

NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

I

THE change of this magazine from the bi-monthly to the monthly issue is a response to the analysis of National Municipal League needs made by the league's survey committee last year.

The cost of the change—\$5,000—is covered by the generosity of certain members who, by gifts and underwritings, made up the required sum.

To carry the new work imposed by the monthly form and reduce the over-burden hitherto borne by the devoted shoulders of Mr. Woodruff, a new assistant editor enters the Philadelphia office. Childs, as a volunteer, takes this new editorial department and selects the major articles; Williamson continues his department of publications, and Woodruff runs "Notes and Events" as heretofore and manages the publishing.

II

Henceforward, therefore, the REVIEW will have editorials and opinions. We shall have an editorial program and shall expect you to share with us enthusiasm over every victory for budgets, short ballot, city manager, tax reform, proportional representation, civil service reform and new tools of democracy yet to be invented. We shall propagate and proselyte, on the theory that the National Municipal

League knows what ought to be done in American civics and feels enough self-confidence to din its advice into American ears. We shall not be content to speak truth; we shall lobby for its enactment.

III

We need \$5,000 more to put the league to full speed, to equip committees with secretarial and research service and to enlarge our audience by fixing a lower price for the REVIEW.

Who is with us on this quest? And how much will you put in to see us through?

IV

The league's survey committee favored a new name for this magazine. Our field is no longer purely "municipal" but deals with state and county government, too. The REVIEW is now to be less of a "review" and more of a crusader. Among the names suggested are "Government," "Democracy," "Democracy in America," "Constructive Democracy." We hope to find the ideal name and change the name (and cover) in the fall.

Meanwhile, any suggestions?

V

The world, we understand, is now safe for democracy.

Ergo—let us now indulge in some! You are not free yet! You call this democracy, but commonly it fails to ‘democ.’

A century and a half after the Declaration of Independence finds you in Philadelphia helpless to get a modern charter save with Penrose’s permission, in New York, standing around while Murphy makes up his mind as to candidates, in every state helpless to intervene while two little cliques pick alternative state tickets for you, in myriad towns ruled by petty bar-room autocracies. A separate little ruling class, called the ‘politicians,’ controls and works for itself first.

Business men fret to see the waste and inefficiency—but somehow it goes serenely on. Labor yearns for government that will do battle for it in the economic field, yet must admit that government falters at the task.

The path to freedom lies by such dull scenery as sound ballot laws, simplification of politics, merit system, executive budgets, correct legislative procedure, county government reform, proportional representation—ways that are blocked by prejudice and inertia.

Our National Municipal League crowd knows the way—has known it for years.

Let’s go after labor and business and women and show them our route to freedom!

VI

English cities, they say, are economically governed because each voter is a conscious taxpayer.

It will be interesting to see if the federal and state income taxes in their widened applications will have a reaction presently on congressional and state methods of expenditure.

We don’t expect it this year. The tax is still too much of a war novelty.

The taxpayer wallows through his check book and his tax blank, approaches the climax, the calculation of his tax, with a kind of ecstatic pain, looks back and discovers errors of interpretation or footings, figures again, finally makes his neat copy and mails it hastily lest he notice reason for still further revision and then enlarges upon his difficulties and speaks darkly of the vastness of his tax, with all the relish of a small boy who has just suffered the extraction of a large back tooth.

The novelty won’t last. The tax will!

Then, Mr. Legislator, we who know a budget from a pork-barrel may find a lot of new friends at our shoulders!

VII

“Congress adjourns in chaos” ran the newspaper headlines in March.

So does every congress, although there is usually less publicity about it; so does every American state legislature.

And when America ruefully surveyed its Federal Employment Service left without appropriations in the midst of demobilization, its railroads left in mortal danger and numerous other great enterprises thrown into disorder, it ought to have hated the political theory which devised brakes and ignored the dangers of stoppage. The peril that government may not do anything is frequently a greater peril than that it may do wrong.

VIII

The weakness of our legislative tradition is an excessive faith in “parliamentary law.” When congress does act, it is almost always by setting aside the routine procedure. In the legislatures, a rules committee, a party boss, or gubernatorial intervention—a

strong hand somewhere—gets some business done, by ways that are more or less extra-legal.

The exception proves the rule.—It is related that the first legislative session in New York under Governor Odell was the shortest in recent history and adjourned peacefully with its work all done. The Governor prepared the program of legislation, and met the legislative leaders with a basket of choice plums of executive patronage. Result, a most satisfactory trade, promptly completed!

It was a crude, cynical, inadmissible, practical way of providing leadership.

New legislative rules are not enough. Clearing away the rubbish of petty and private legislation by a few good general laws is not enough. Leadership—a ministry of some sort, is essential.

The right principle appears in the budget idea wherein one responsible expert proposes and the lay representatives criticize, assent, modify or deny. All legislative processes must come to that principle of frankly-organized responsible creative leadership, while the rank and file of the members must accept the opposite function of reviewing, questioning, challenging and saying on demand with authoritative and competent finality—"Yes, our people back home will stand for this—but not for that!"

Then instead of cursing congress or the state legislature in an impersonal and politically harmless way, we could address our curses with precision to the negligent parties!

IX

In "The Education of Henry Adams" is told the story of the eclipse of a fine old intellectual school of American statesmanship by the rising power of the materialistic captains of industry—Beacon Hill eclipsed by State Street, Hoar eclipsed by Hanna,

government eclipsed by industry—a wholesale transfer of the seat of power undreamed of when our political system was erected. What, indeed, is the municipal corporation of Bethlehem in local affairs compared with Schwab's corporation, or the government of Delaware compared with the Du Ponts?

Now comes another shift of power, when the railway brotherhoods can hold a stop-watch on congress while an Adamson law is "deliberated," when the harbor strikers can say whether or not New York shall eat, when in countless industrial cities a group of union leaders governs the population far more intimately than the common council.

To hold its own, on behalf of the common interest, government must be as simple, direct and flexible, as unencumbered with red tape, as easily controlled by its rank-and-file, as either the unions or the corporations. Our Model Charter meets that test and fifty cities are near enough to its principles to be reasonably competent to look after themselves. Others will need more luck.

X

For over twenty years the quiet, helpful, genial presence of Mr. Burnham has graced the conferences of the National Municipal League. He commonly read no papers, made no speeches—he was the treasurer. His own bookkeeper kept our accounts, at no cost to us. When the bottom of the treasury was bare, the pay-roll money still came unfailingly. When his loans became large, he called them gifts and we started afresh. And finally this spring he volunteered thus to erase \$3,000 of our war deficit in order to be allowed to resign.

The facts are themselves his tribute.

RICHARD S. CHILDS.

THE OLD ORDER CHANGETH

North Dakota and Wisconsin have passed state-wide optional city-manager laws under which any city can adopt the commission-manager plan on the lines of our Model Charter by a simple local referendum. That makes 13 such states.

* * *

Governor Lowden of Illinois reports that the 1917 rearrangement of the 125 scattered bureaus and offices of the old state administrative establishment into an orderly series of nine departments, has proven a great success. The National Municipal League called the attention of the other governors to this message.

* * *

Idaho has passed an act departmentalizing the state administration, grouping 48 bureaus, officers and commissions into nine departments.

* * *

Indiana has made definite progress toward the short ballot by taking off the ballot the state statistician and state geologist and passing through the legislature, subject to re-passage next session, constitutional amendments to take off the clerk of the supreme court and the superintendent of public instruction.

* * *

North Dakota, having voted for state-owned terminal elevators, flour mills and banks, is planning to place them at Fargo, making the plants works of architectural beauty, worthy of their inevitable prominence in a prairie town. Model homes for the new working population are contemplated.

* * *

Nebraska, thanks to a good law recently passed, will elect its constitutional convention next November on a non-partisan ballot. A survey committee of five is to be appointed immediately by the supreme court to prepare data for the convention.

* * *

Rome, Georgia, Bristol, Virginia, and McAlester, Oklahoma, adopted the city manager plan in April, bringing the list of true manager cities of 8,000 population or more, up to 52. About ten more cities are on the way.

* * *

Utah has passed, subject to adoption by the people, a constitutional amendment giving all its cities power to draft and adopt their own charters. The amendment also permits municipal ownership and operation of utilities and to practise excess condemnation of property.

A FUTILE CONFERENCE AT THE WHITE HOUSE

BY FRANK C. WIGHT

I

WHILE the conference of the governors and mayors at the White House the first week in March promised more than it performed, one wondered after seeing the conference in action whether any great expectations of its usefulness were not unwarranted. Gathered together as they were on short notice, the heads of states and cities widely separated and with varying and sometimes conflicting problems depended for any substantial statement of opinions and deductions as to action on an ordered plan of operation. This the White House conference did not have. Ostensibly, it was called by the president of the United States to consider the many problems which for want of a better term we have grouped under the word "reconstruction." Specifically the difficulties of labor and of unemployment were to be discussed. After three days' continuous session the real underlying problems of labor were scarcely mentioned, and the possibilities and difficulties of unemployment were but lightly touched upon.

What, in fact, happened was that the conference, sitting in the august precincts of the White House where it could hardly protest, had to work too closely to a program prepared by the Department of Labor, a program made up mainly of a series of stodgy addresses by various cabinet officers on the state of their departments, and reports from governors which were either stump speeches or dry statistical

statements. With the exception of Secretary of Labor Wilson's address on the dangers of Bolshevism, an address, by the way, which was practically a repetition of his little circulated statement before the Senate Committee on Labor and Education about six weeks before, there was small intimation from a federal officer of any serious emergency in industrial or national affairs. Still less was there any serious federal recommendation for reconstruction action. Secretary Lane, to be sure, outlined again his well-known land and reclamation projects, but as these all depended upon the action of a congress which had just adjourned, the approval or disapproval of the mayors or governors was of little importance. The president himself, after lightly shifting the responsibility for reconstruction onto the shoulders of the officials present, passed on to the general state of the world which is his main concern today. The Department of Labor presented a superficial program fathered by the press-agents who have apparently taken over most of the department outside activities under the guise of an "information and education service." The impression cannot be escaped that the conference was hastily called by the administration in the hope of "passing the buck" to the states and cities. At last accounts the "buck" had not moved.

II

But if the conference had no apparent value for the purpose for

which it was called—and the smug platitudes of Governor Cox's resolution committee's report tell better than anything else how little was really accomplished—it did serve to show the mayors of America that there may be a possibility for concerted action on their part. In this particular conference they were overshadowed by the governors. All of the brief time allowed for floor discussion was practically absorbed by the state representatives. But those few mayors who managed to get the floor pretty

effectively showed that they were more alive to the real problems of the people they represent than were the less responsible governors of the states, and that they had opinions based on observed facts which never come to the attention of the governors. It seems possible that following the preliminary organization effected at the conference the mayors will get together free from the restricting federal influence or the deadening gubernatorial oratory and helpfully work toward a solution of the problems which jointly vex them.

IDAHO SETS ITS HOUSE IN ORDER

BY HOWARD T. LEWIS

University of Idaho

New York tried to departmentalize its state administration in 1915, Illinois did it in 1917 with striking success, Delaware is headed in that direction and Idaho has just done it. :: :: :: ::

A VERY thorough-going reorganization of the civil administration of the state was undertaken by the Idaho state legislature at its session this year, when a measure abolishing some forty-six boards, commissions, and offices was enacted into law. The proposal was championed by Governor Davis, and became law on March 31 of this year.

The measure is the outcome of a number of years of intense dissatisfaction arising from the methods employed by state administrators. Criminal proceedings, wide-spread criticism of the state land board—one of the most important boards in the state—lack of uniformity of accounting, absence of a budget, and equally unbusiness-like methods have characterized the state administration for some time back. In fact, there have been many rumors that the financial condition of the state

is in a far more serious condition than people generally were aware of. Expert accountants have been on the state books for over two years and those conversant with the situation contend that the whole matter of state finance is in a hopeless muddle.

The present step is an outgrowth of all of these factors. It was not preceded by a widespread campaign of a specific character for consolidation of state offices and a shorter ballot. In fact the voters last fall rejected very decidedly a proposed constitutional amendment designed to abolish the office of state superintendent of public instruction, and this in spite of the fact that the incumbent of that office vigorously supported the movement, as did her predecessor, and as did the state board of education, which made a very positive statement to the effect

that unnecessary duplication of functions existed. The suggestion of Governor Davis, therefore, came as something of a surprise to many people in the state.

The measure, known as senate bill No. 19, by the state affairs committee, completely reorganizes the state civil administration so far as it is not definitely prescribed by the constitution. The only old board that is continued is the state board of education. No attempt has ever been made to effect any thoroughgoing reorganization of the constitutional provisions, and the voters in 1918 rejected a proposal to hold a constitutional convention for the purpose of revising that document. In so far, therefore, as that instrument provides for a considerable number of elective officials as well as for numerous ex-officio boards (which of course still exist, though their usefulness is a matter of question) the new plan lacks something of the completeness it might otherwise possess. Since, however, even the elective officials are in considerable measure dependent upon state statute for their power, the limitations of the new plan may not prove to be as serious as they at first appear.

The act is designed to vitalize "Article IV, section 5, of the constitution of the state by conferring upon the governor the power and responsibility of conducting the principal departments of the state government." It provides for a cabinet—or commission—form of government, with the governor at the head, assisted by nine departmental heads, some of whom are elected by the people of the state to specific offices, but all of whom must be appointed to the head of any department mentioned in the statute. These nine departments are those of Agriculture; Commerce and Industry; Finance; Immigration, Labor, and Statistics; Law Enforcement; Public Investment; Pub-

lic Welfare; Public Works; Reclamation. Each department has as its head an officer known as the commissioner, who is appointed by the governor and, except "those under the constitution who are appointed for specific terms," may be removed by him at his discretion. Each commissioner receives a salary of \$3,600 per annum. The statute also provides that in certain of the departments certain designated offices shall be created, but these are comparatively few in number, and on the whole the organization within each department is within the control of the commissioner. However, within the department of agriculture there must be a director of markets, a director of animal husbandry, a director of plant industry and a director of fairs; within the department of commerce and industry there must be an assistant commissioner, a director of banking, a director of insurance, and a manager of state industrial insurance; the office of fish and game warden is created within the department of law enforcement; a public health adviser must be appointed within the department of public welfare; a director of highways within the department of public works; and a director of water resources within the department of reclamation. In addition to these, the law creates a board of agricultural advisers, which is "advisory and non-executive" consisting of nine persons, who serve without salary, and whose duty it is to assist the commissioner of agriculture in the performance of his duties. All of these officials are to be appointed by the governor.

This latter feature is interesting. It was probably incorporated in order to center still further the administrative power and responsibility in the hands of the governor, which it undoubtedly does, but though the act provides that each subordinate officer shall "be

under the direction, supervision, and control of the commissioner of the respective department to which he is assigned" the situation may easily arise where the official will look more to the wish of the person from whom he received his appointment than to his immediate head. If the actual appointments are to be made upon the recommendation of the Commissioners, of course this danger is minimized.

The organization of each department, with the exceptions noted are left wholly to the discretion of the head. He employs whatever employees he deems necessary, and fixes their compensation, except where previously determined by law. He may require an official bond of any assistant, should he choose to do so. No employee of any department is permitted to be paid for any extra service performed, and the gross amount of money received by any department from any and all sources must be turned over to the state treasury without any delay or deductions.

As would be expected, special quali-

fications are required of some of the cabinet members. Thus, neither the commissioner of commerce and industry nor any director in his department shall be financially interested in any bank or insurance corporation coming under his control, and must have had five years experience in banking or have served for that length of time in the banking department of some state. Neither the commissioner of law enforcement, nor any of his assistants shall be licensed to exercise or practice any trade or profession regulated by that department. The director of highways must be a civil engineer of not less than five years' experience in road building. Other qualifications of a similar character are required of other commissioners.

Another notable advance for the state is provided among the duties of the commissioner of finance, who is required to prescribe and require the installation of a uniform system of bookkeeping, accounting and reporting and to supervise the preparation of the state budget.

"MOVIES" FOR CIVIC CAMPAIGNS

BY GEORGE BREWSTER GALLUP

Field Secretary Community Motion Picture Bureau, New York

I

UNIFIED sentiment within a community with regard to needed improvements would produce a peaceful revolution. In any community of a few thousand people the entire resources of economic and engineering progress up to the present hour could be commanded for the best uses of the greatest number. The difficulty of bringing about unified sentiment with regard to necessary improvements in a community is the stumbling block in the way of leaders. The motion picture promises to reduce the measure of this difficulty.

A community of ten thousand, for example, can assemble through motion pictures the record of the best things accomplished anywhere in the world that could be applied to their own use. Where it would be difficult for an orator or lecturer to make some of the problems clear, the picture does it by showing actual facts. Many people will not read circulars and advertisements about projected plans for the improvement of their town or city, but they will look at pictures which show in the most interesting and dramatic fashion what some other city has accomplished. Every kind of improvement in transportation, filtration, garbage disposal, better housing—in short, all the new assets which twentieth century knowledge will enable a town to acquire, can be shown on the films with dramatic and interesting stories to give alluring and vivid interest to the exhibition.

The films assemble all the evidence;

they present it in their most picturesque and realistic fashion; they make it easy of understanding. Women and children, as well as men, can very readily grasp the significance of better playgrounds and parks, better school-houses, better public baths and athletic fields, when presented with a motion picture. By this means they take journeys to places of which they have read where intelligent progressive communities of conservative hard-headed American citizens have justified the expenditure of public funds by producing improvements that draw large dividends in the long run.

II

It is possible also by this method to show something very difficult to present simply in speech or in written words, and that is the growth and prosperity that comes from fitting out a city with the right kind of furniture in the shape of well planned improvements.

The influence of the right sort of planning, honestly and scientifically carried out, spreads over a wide area. This is reflected in the growth of values within the radius which measures the limits of the influence of the new improvement. From this growth in real values, increased greatly by the stimulus of the improvements, comes the return to the city, at regular rates of taxation, of the money to pay the carrying costs.

These carrying costs are interest and amortization charges on the bonds voted by an enlightened community to make improvements.

Motion pictures make it possible to assemble the evidence necessary to show that this result actually takes place. In scores of American cities where grand scale improvements have been made, it is possible to show the effect in improvements made by private capital throughout the area affected. The captions accompanying the pictures show in simple language the actual financial results. If a city makes improvements from public funds that stimulate private capital to new investments valued at three times the public expenditure, the normal average rate of taxation in American cities will produce the new revenue necessary to pay interest and amortization charges on the bonds. It is a simple problem after all in arithmetic, but pretty hard to prove except through motion pictures in such a fashion that the average voter can be readily convinced of its truth.

III

Every community in America that has completed some successful public improvement worth while exhibiting

for the encouragement of fellow communities ought to have the record put into motion pictures. This should be done under the direction of some one who knows how to bring out the social values produced by the new municipal undertakings.

The pictures should be full of human interest. They should include citizens going about their daily tasks and enjoying the benefits thus afforded them, but almost every city has amongst its enlightened leaders of municipal forward-looking planning at least one or two persons capable of supervising the production of the right kind of motion picture records of all the improvements undertaken. These really ought to include pictures taken at various stages of the planning and carrying out of the plans. Wherever a community puts itself on record artistically through this sort of visual evidence, it would find a ready outlet and a constantly increasing demand for copies of its films. Probably the sale of duplicates at a reasonable price would return a sufficient amount to pay the cost of producing the film negative.

WELFARE WORK ENTERS A NEW ERA UNDER THE ILLINOIS REORGANIZATION

BY A. L. BOWEN

Superintendent of Charities; Department of Public Welfare

I

WHEN the executive branch of the state government of Illinois underwent its radical change on July 1, 1917, a new meaning and a powerful impetus were given to public welfare work in this state.

The radical changes are embodied in that constructive statute known as the civil administrative code of Illinois. This act consolidated into nine departments, each with a director in charge, all of the functions of the executive branch of the government. These functions had been operating through 125 commissions and boards, many of which overlapped, some of which were doing a small amount of work at ridiculously high cost, and all of which were working through authority delegated to subordinates.

This act furnishes the governor a cabinet of nine directors through whom he may keep in touch with every activity.

Each in his sphere is a responsible official. Boards and commissions, excepting a few which are purely advisory in character, are no longer known in this state.

II

The consequent simplification of government produced some very remarkable results.

The welfare work of the state was concentrated in the department of public welfare, the director of which is

Charles H. Thorne, a successful business man of large affairs who also possesses the required social viewpoint.

The director was provided with a staff consisting of assistant director, fiscal supervisor, superintendent of charitable institutions, superintendent of prisons and reformatories, superintendent of pardons and parole, an alienist and a criminologist. All, including the director, are full time officials.

The department was charged with the administration and management of the nineteen state charitable institutions, including the state hospitals for nervous and mental disease, correctional schools for juvenile delinquents, colonies for feeble-minded and epileptic, and the three penal institutions. It was also charged with the administration of the pardon and parole laws and with supervision and direction of children's institutions as well as the placement of children in foster homes.

Excepting the alienist and criminologist who are advisors, the staff members are administrative officers. But in the last analysis the director is the responsible head of the organization and upon him depends the success of the Department. In other words Illinois is the first state to recognize the modern business principle embodied in unified authority.

III

This plan has been in operation now for almost two years, carrying the work through the crisis of a war period

when little progress of any kind was to be expected.

Many improvements have been introduced in the hospital service, among them being:

Complete mental and physical examinations of every patient at least once each six months.

Introduction of occupational therapy on an extensive basis, with skilled people in charge, in the state hospitals and colonies for feeble-minded.

The opening of two new institutions which were delivered to the department almost ready for occupancy—a feat of some importance considering the shortage of labor, medical men and the almost total absence of supplies needed for the finishing touches of construction. One is a state hospital for insane, the other a colony for epileptics.

Placement of dependent children in family homes from the state's orphanage.

Organization of a training school in psychiatric nursing with facilities for postgraduate work. The course is three years with registration at graduation. Its object is to train registered nurses in the special problems of nursing the mentally sick.

The elimination of the last vestiges of politics from the administration of these institutions and laws.

Promotion to superintendencies of men who had made good in the lower ranks.

A reorganization of the courses of study in the state schools for the Blind and the Deaf.

The institution of the system of industrial parole for prisoners who would work in Illinois industries engaged in manufacture of war supplies. Under this system 900 men were paroled from the three prisons, supervised and cared for by the state, who

rendered excellent service to the government.

The elimination of attorneys and political influence in the hearing of parole cases.

The creation of the Juvenile psychopathic institute to study juvenile delinquency and to serve courts in the disposition of juvenile cases of every character.

IV

The department in addition to these policies which have been established successfully despite the most discouraging conditions that a state service ever faced, has submitted to the sitting legislature a program including:

The creation of a second colony for feeble-minded.

The erection of new plant for the Illinois Charitable Eye and Ear Infirmary, a surgical institute for crippled children, a state psychopathic institute and hospital in Chicago and the buildings for the State farm for misdemeanants.

The doubling of the forces of parole officers, inspectors of institutions, social service workers and home visitors.

A children's code which connects the defects in the already excellent children's laws of Illinois.

The department asks the general assembly to increase the funds for research work from a few thousand dollars to more than \$200,000 for the biennium. If this feature of the program is adopted Illinois will be able to enter upon research work on a firm and broad foundation.

The completion of the new state prison at Lockport which has been under way for several years. This prison is to cost about five million dollars and the plans embody the very latest ideas in penology.

THE DELAWARE SURVEY

BY CHESTER C. MAXEY

Of the New York Bureau of Municipal Research

The most comprehensive piece of self-appraisal undertaken during the war is the combination survey of the state government, the three counties and the principal municipal government of Delaware recently conducted by the Delaware State Council of Defense, in preparation for reconstruction. :: :: :: :: :: :: ::

WAR emergencies placed an unusual strain upon the governmental institutions of Delaware.

The city of Wilmington is the seat of the largest explosives industry in this country, and the tremendous and swift expansion of this industry following the outbreak of war added 25 or 30 thousand people to the population of Wilmington almost over night. The city was utterly unprepared to cope with the problems which followed the advent of this transient multitude. Housing accommodations were grossly inadequate, and in a short time the health situation became critical. The state council of defense decided that a survey of the health problem ought to be made before taking definite action and called upon Dr. Carl E. McCombs, public health specialist of the New York Bureau of Municipal Research, to make the study. Dr. McCombs' report was delivered in July, 1918, and became the basis of emergency measures on the part of the state council of defense.

The state council of defense then deemed it essential to have a survey of all of the governmental institutions of the state, the three counties, and the city of Wilmington. At that time it was commonly believed that the war would continue for another year and

would make unprecedented demands upon political institutions. Moreover, it was clear even then that problems of post-bellum readjustment probably would tax governmental agencies quite as severely as those arising directly out of the war. It seemed prudent, therefore, to determine whether alterations in the present forms and procedure of government were necessary, and if so what were the standards which should be applied in revising them. Accordingly the New York Bureau of Municipal Research was requested to undertake the task of surveying Delaware's state and local political institutions and of preparing a report to be laid before the 1919 session of the general assembly.

Field studies and investigations in Delaware were begun in September, 1918, the state and county survey being the first work undertaken. Investigators of the staff of the Bureau were in Delaware from the first of September to the middle of November; and the report on the governmental institutions of the state and three counties was delivered about a month later. Field investigations in the city of Wilmington were begun late in December, 1918, and continued through the following January and part of February. The report was delivered about the middle of March.

"A CHAOTIC JUMBLE"

The findings of the survey were astounding, even to well-informed citizens of Delaware who thought they knew their state thoroughly. The political institutions of Delaware have not been thoroughly overhauled since 1792. The constitutions of 1881 and 1897 did of course make many alterations, but in reality these were simply patches upon an old garment. Consequently the present system of government in Delaware represents an accumulation of *débris* which has been dashed up by the political tides of more than a century and a quarter. It is utterly without system, symmetry, and simplicity—a chaotic jumble of anachronisms, criss-crossed functions, illogical relationships, and unscientific methods.

The state government was found to possess 117 administrative agencies—6 elected by the people, 83 appointed by the governor (usually with the consent of the state senate), 2 appointed by the judges of the superior court, 12 appointed by boards or administrative agencies other than the governor, and 14 acting *ex-officio*. These agencies of administration are not only far too many for a small state like Delaware, but are absolutely uncorrelated in their functioning. They compete, conflict, overlap, and pull at cross-purposes. And naturally their procedure and business methods are archaic, inefficient, and unduly expensive.

The counties, it was found, have from 25 to 50 administrative agencies each, which not only are independent of one another but also are independent of any central directing and controlling authority. The results are very much the same as in the state. Friction, duplication, inefficiency, and extravagance abound. Improved methods of transacting public business are disre-

garded or unknown, because responsibility for results is both confused and diffused.

In the city of Wilmington the government was found to be even more of a jig-saw puzzle than in the state and counties. There are 40 distinct and detached organization units with virtually no attempt to correlate them functionally. Eight of them are responsible to the voters of the city, 8 are responsible to the mayor and council jointly, 11 are responsible to the council alone, 5 are responsible to the governor of the state, 4 are responsible to the associate judge of the superior court residing in New Castle county, 3 are *ex-officio*, and 1 is responsible to persons entirely outside of the government. The consequent disorder and duplication of functions is easy to imagine; and it is accentuated by the fact that the administrative agencies of New Castle county largely overlap those of Wilmington.

SIMPLIFICATION

Obviously the first and most emphatic recommendation to be made for improving government in Delaware was to point the way to a complete reorganization. This was done in the reports submitted to the Delaware state council of defense. For the state it was suggested that the present system be supplanted by a very simple organization consisting of 9 executive departments directly responsible to the governor. These 9 departments, it was shown, could easily transact the duties now reposed in the multifarious boards, commissions, and independent officers.

For the counties reorganization along the lines of the commission-manager or the commission plan was advised. It was pointed out that 4 or 5 departments properly organized under a manager or a small commission could

handle all of the work that is now apportioned among the oversupply of self-sufficient officers and boards.

For the city of Wilmington simplification according to the principles of the manager plan or the independent mayor plan was recommended. It was shown that 7 departments under the headship of a manager or mayor would serve the city better and more cheaply than the present hydra-headed monstrosity. It was also recommended that rural New Castle county and the city of Wilmington be divorced, and that a consolidated city-county government be set up in Wilmington. Another important recommendation was that of a grant of larger powers of self-government to Wilmington, which are urgently needed because the experience of the city under the tutelage of the state legislature has been notably unhappy.

The survey did not confine itself altogether to organization. Studies were made of the procedure and methods of collecting revenues and disbursing funds, of purchasing, of accounting, of budget making, of the management of institutions, and of the performance of governmental services. Expository discussions explaining improved methods of carrying on these activities were incorporated in the reports. In

addition to the financial topics these discussions included such subjects as public works, water supply, public health, public safety in the city; highways, almshouses, and jails, in the counties; labor and industry, public highways, public health, public welfare institutions, agriculture and conservation in the state.

THE PROSPECTS FOR ADOPTION

The reports have been laid before the general assembly of the state and Governor Townsend has requested the creation of a reconstruction commission to go over the reports and use them as the basis of recommendations for concrete legislative action. If the governor's request shall be granted,* Delaware will be a step in advance of her sister states with her reconstruction program; for most of the states which have undertaken anything in the way of reconstruction are yet in the survey stage; and it is a high tribute to the prescience of the Delaware state council of defense that it reversed the ancient maxim and prepared for peace in time of war.

* Since this article was written a bill creating the reconstruction commission desired by the governor has passed the Delaware General Assembly.

THE NEXT PROBLEM IN CITY ZONING

BY FRANCIS P. SLOAN

New York City is "zoned" and in a residential zone, for instance, it is unlawful hereafter to build a store or factory. But stores or factories that were there before the law was passed, have not yet been dealt with and constitute a complex problem of advanced city planning.

Most of the districting or "zoning" that has been done under city plan movements is designed to regulate the location of new buildings and new occupancies, but relegates the consideration of existing non-conforming occupancies to a place of minor importance. By existing non-conforming occupancies is meant those uses or occupancies of buildings or other premises that do not comply with the requirements of a newly enacted districting or zoning law and that would not be allowed to come into their present locations if they did not already exist there.

To be effective, "use districts" as they are called in New York, must generally be so large that they embrace areas containing some sporadic development—some store among good residences or a factory in a business or home section. These invaders are very common in every city; they are the evil that has made zoning necessary. And just because they are so numerous and so dangerous, they should be given at least as much attention as the new uses and occupancies the future is expected to bring. Unless wisely regulated, they will become greater nuisances because the restriction on neighboring property intensifies their use. And yet unless they are permitted some freedom, the cry

of confiscation may endanger the whole zoning system.

A city grows not only by the addition of new buildings but also by the alteration of its old buildings, by improvements thereto and by changes in their tenancy. Usually the alterations and changes of occupancy outnumber the new buildings.

DIFFICULT CONUNDRUMS

Where a new building is proposed there is usually only one question under a zone law, viz., "Is this new occupancy permitted in this district?" But where an existing non-conforming occupancy is to be changed, there are many questions to be decided. "Into what classification does the existing occupancy fall? May it be extended throughout the building? May it be extended by enlarging the building? May a new building be erected for it? May structural alterations be made if it is continued? May it be changed to this? Or to that? And if changed, are extensions or structural alterations to be permitted?"

A districting law may conceivably exclude all new business from a residence district,—thus treating all business alike and it may exclude all new industries from a business dis-

trict, thus treating all industry alike. But if in a high class residence section there is a retail drug store—a business—and if the zone plan is drawn on lines that permit of some flexibility in the interchange of non-conforming uses, an injustice would be done to the owners of the conforming residences if the existing business—the retail drug store—were permitted to be changed into any other business—a wholesale grocery store, for instance. An equal injustice would be done to a high class business section if a wholesale bakery—an industry—were permitted to be changed into any other industry—a glue factory, for example.

The broad classification that will serve admirably to exclude new uses will not do to govern existing non-conforming occupancies. Four questions that do not arise when a new building is to be constructed immediately appear when a change of an existing use is considered. They are:

- 1st. May the existing occupancy be continued?
- 2d. May it be extended?
- 3d. May it be changed to another use or occupancy?
- 4th. May structural alterations be permitted
 - (a) for continuance?
 - (b) for extension?
 - (c) for change?

THE SOLUTION: GRADING

If the full benefits of a good zone plan are to be reaped, existing uses must be graded. Generally a zone plan will not be so drastic as to require the eviction of existing non-conforming occupancies, but will permit them to be continued under certain conditions and to be changed within certain limits. If wisely drawn, such a plan will weed out, little by little, the offending occupancies. It will accomplish its object quietly and economically without violent readjustments and losses.

The system of grading of existing occupancies may be compared to a series of steps, at the top of which would be the most offensive use or class of use and at the bottom the least offensive. With such a series tabulated, it would require but few words to draft a provision to permit an interchange among the uses on any step or permit a change of a use on one step with a use on a step below. Such a provision, prohibiting an occupancy to go up a step in the scale of nuisance values and encouraging improvement whenever a change is made, would be in full accord with the spirit of effective zoning.

Such is the ideal—to be worked out by each community for itself and for each of its zones. But as is true of all ideals, it is beset by certain cold hard facts that cannot be ignored and certain problems that cannot go unsolved.

AWKWARD CASES

The very character of the medium in which the city planner doing zoning must work is unsuited to the limitations of a set or standard classification. It may be described in one word as change—change with time, change with place, change with management.

A process of manufacture may be obnoxious to-day but may be freed tomorrow of its disagreeable and dangerous features by some improvement in the art. A trade that is a nuisance in one place may be appropriate in another. Under one method of management, it may be offensive to all the organs of sense; under another, quite harmless. Considered in the absolute, there is no nuisance feature that may not be made inoffensive. Smoke, dust, odor, gas and even noise may all be brought under control. They become nuisances through waste and inefficiency.

Because occupancies or uses are so

often dressed in accidental characteristics, it is important that the classifying or grading be done according to essentials only and that the grading be susceptible of change to keep pace with change of fact. A few border-line cases that have come up for decision in the administration of New York city's building zone law will emphasize the importance of grading according to principal and not secondary uses.

For instance, in a residence district, the New York zone law permits the erection of hotels having 30 or more sleeping rooms. Question: Is such a hotel permitted to operate a restaurant, a cloak room, a barber shop, a billiard room, etc.?

Philanthropic and eleemosynary institutions are also permitted in a residence district. Question: Should a home for the blind be permitted to operate a printing and embossing plant to manufacture books for the blind?

A garage for five cars or less is also permitted in a residence district provided it is the accessory of a residence on the same lot. Question: Does this permit the erection of a building to house four cars on the ground floor and providing a smaller floor area in the second story for dwelling purposes?

Should a large clothing factory be classified with regard to noise, with a sawmill, just because it operates a saw in its basement for the occasional cutting of wood for boxing its shipments?

COMBINATION CASES

The grading should draw a distinction between chief and accessory uses, between those that are important and those that are not. There is practically no establishment that does not, upon an analysis of all its operations, seem to fall within several classes at once. The jeweler may appear to operate a foundry and a machine shop

because he melts and casts metals, he grinds, turns, bores, tempers and plates; but he should not therefore be put in the same class as those establishments that emit smoke, dust and gas and rend the air with discordant noises.

Each community must do its grading in accordance with its special needs. It must determine how long it will permit its non-conforming occupancies to exist. If their life is to be short, it will permit no structural alterations of the building housing them. It must determine whether they may be extended throughout the building or into another building. It must define the limits within which one use may be changed into another. The order of nuisance values, appropriate in a manufacturing or mining city might not be appropriate for a town in a farming center.

FOUR GRADES

At the head of the list for a city of large size appear generally those industries which are most obnoxious on account of the emission of noise, dust, odor or gas. Next in order might be placed the storage or handling of materials that are offensive for like reasons. A third class of industry might include manufacturing which, as a process, is unobjectionable but which, because of its size, carting, etc., should not be permitted in a restricted district. It would usually have no relation, as a producer, to its immediate neighborhood.

There is a fourth class of industry, etc., which would fall into one of the above classes if we considered only its nuisance features. It may be, however, of local necessity. It may be a garage or stable, for instance, offensive by reason of noise and odor and as objectionable as a slaughter house of equal size. But the garage or stable

may be needed as a convenience in the neighborhood, while the slaughter house might as well be a mile away. In this class of local conveniences might also be included the small shops conducted by mechanics for the repair of buildings, furniture, etc.

Under the head of business all kinds of new trade occupancies might be excluded from a residence zone indiscriminately but finer distinctions must be drawn between classes of existing uses. In a first group of the more objectionable classes of uses not conforming to the requirements of a residence district might be put the wholesalers, the storage warehouse, those stores that have some manufacturing accessory to them and stores selling products offensive by reason of dust or odor. In a second group might be placed other business occupancies, ex-

pecially those that serve their immediate localities.

In all grading of occupancies according to nuisance value or inappropriateness, there should be kept in mind the question of local necessity. More leniency may be shown those occupancies which are a convenience to a neighborhood than those that serve a distant population.

The method of classification here outlined may appear to lack simplicity. No doubt simplicity is much to be desired and should be a characteristic of every zone law but simplicity in wording may involve complexity in thought—may lead to endless doubt. In the real estate field nothing is so deadly as doubt. It enervates the whole life of a community. It depreciates values, it hampers sales, it makes mortgage loans unobtainable.

NEW VISIONS IN PUBLIC RECREATION

BY GEORGE A. BELLAMY

Representing the War and Navy Commissions on Training Camp Activities

A review of the new utterances of various recreational experts, and the stimulating possibilities disclosed by the experience of the War Camp Community Service. :: :: :: :: :: ::

THE recreational literature of the war period has been a real contribution towards understanding the national soul in its making. The war has demonstrated to all the great fighting nations that they cannot have victorious armies while soldiers dissipate when off duty. These same nations, at fearful cost in character of youth and adult, have seen the waves of crime sweep over their cities as the normal use of leisure and play time has broken down. These conditions have resulted in compulsory study of the use of leisure that our armies may be fit and our

cities virtuous. With this in mind we will consider in this review whatever literature in the last few months has directly contributed to this end.

I

Mr. Sizer in "The Commercialization of Leisure"¹ dwells on a phase of recreation altogether too unfamiliar as yet even to the many to whom recreation is a vital problem. The history of

¹ "The Commercialization of Leisure," by James Peyton Sizer, the Gorham Press, Boston. 75 cents.

recreation and the part it has played in civilization and the development of the race should illuminate our present problems. The desire for recreation has been strong in every civilization and in so far as a nation has capitalized or commercialized it, to just that degree has that nation been strong or weak of character. Among the Greeks recreation was only for the males of the leisure class. While it was free from the stigma of commercialism and professionalism, it was not a factor of universal well-being since it was to be had only by the few. Roman civilization ushers in an era of professionalism in athletics as well as in politics, but with the Middle Ages recreation comes into its own. These were the days of jousts and tournaments, of pageants and masques on the village green. Then came the reaction when the pendulum swung to the opposite extreme, the asceticism of the Puritans. Playhouses and pleasure fields were abandoned. This was the spirit of Puritanism brought by our ancestors to America. To the early settlers on American soil, work and religion were games so engrossing that they had neither time nor inclination for others. The struggle for existence gradually lessened. Puritanism, by its failure to progress with the interests of the time, grew less vital in the lives of the people and, as a result of its policy of repression, pleasure and the wholesome means of procuring it was driven from the control of good citizens to traffickers in the pursuits of leisure and finally to commercialized vice. An isolated few began to see the deplorable results without, however, analyzing the causes from which they had sprung. These few, acting on the assumption that once pleasure and vice were overthrown, people would again turn their minds to things eternal, established countless correctional agencies. Close in their

wake followed the institutional church and the Y. M. C. A., who argue that such agencies did not arrive on the scene until the adolescent with his surplus energy and desire for life was spiritually dead. So they attempt resuscitation by administering the pill of religion sugar-coated with the swimming pool and gymnasium. Thus they overlook the fact that games and play stimulate expression of the instinct religion for they develop idealism, virtue, a sense of honor, justice and right relationships which crystallize into the ultimate goal, real character.

The author's characterization of recreation as spontaneous, commercial, and communal affords a definite contribution to our understanding of the place of recreation in the life of the community.

II

Mr. Gates' book "Recreation and the Church"² encourages us in the hope that the church is broadening in its interests so that it can work energetically with the vital forces in the community. The author treats play as a factor in moral and religious education. It should be used by the church to render its proper service. Vital problems such as the co-operation of churches and the education of church members not yet awake to the recreational needs of youth are intelligently handled.

III

It would be well if all whose souls have been racked with the pains of this world's conflict could turn to Miss Burleigh's "Community Theater"³

² "Recreation and the Church," by Herbert Wright Gates, University of Chicago Press, Chicago. \$1.00.

³ "The Community Theater," by Louise Burleigh, Little, Brown and Company, Boston. \$1.50.

and to Percy Mackaye's essay on "Community Drama."⁴ War is unneighborliness developed to the nth degree. Community drama seeks the highest development of neighborliness. Having its origin in the more formal and conservative presentation of dramatic art, it becomes a positive spiritual force when the people make it their own as participants and creators. In this it is analogous to community music and it is no less true of community drama than of community music that, as Mr. Farwell has pointed out in an issue of this magazine, a law of crowd psychology provides for the short circuiting of an educational process by a spiritual one. The actors in a community masque are living the drama. Though they have had no previous education for it, they are in the truest sense creators of their art. It is gratifying to note that in this time of international struggles—it may be because of them—the people are beginning to come into their own rich heritage through community music and drama—are rapidly learning to plant their feet firmly and insist on the fulfillment of the promise "Every place that the sole of your foot shall tread upon that have I given you."

The immediate forerunner of community drama was of course community play crystallized in the playground now incorporated in the municipal program of so many of our cities. Through developmental stages of team play, folk dancing and pageantry we come logically to the community masque which points the way to the community theater, the hope of the future. The underlying principle of them all is the "joy of play, of co-operation, of creation and the expression of joy through art." This may be manifested by a

community in a community "sing" as well as in a community pageant, in the community Christmas or the Fourth of July celebration. Each breathes the spirit of neighborliness and welds the community more closely together.

The little theaters springing up over the country are evidence of the fact that the arts of the theater permit a full and varied expression of this interest. With this in mind we must premise that the little theater be a democratic institution in that it equalizes opportunity for all, that it bear within itself the faculty of perpetuating and perfecting itself. A compelling spiritual force expressed in dramatic art with the passionate zeal of religious fervor has given us the truest community theater, the Passion Play of Oberammergau. Here actors and audience are united in the expression of a holy ideal. It is because the art of the theater partakes of the emotional idealism of the church without sharing its dogmatic limitations that it becomes so readily the unifying interest in a diverse community.

IV

Percy Mackaye in his little volume "Community Drama" pleads for the development of the "international mind" which is only another name for the neighborly mind. This is the outgrowth of the play instinct of the child and if it is nurtured through successive generations should play a large part in eliminating the unneighborliness which produces war. The community drama with its ideal of neighborliness and creative participation must convert competition into co-operation and create in every community habits of the international mind. Thus is mustered in each community the volunteer army of peace.

⁴ "Community Drama," by Percy Mackaye, Houghton Mifflin Company, Boston and New York. 50 cents.

Since out-door theaters should be the shrines of community drama, let me call attention to Frank A. Waugh's book, "Outdoor Theaters."⁵ Photographs and detail sketches of successful theaters such as Professor Koch's "Bankside" are given. Problems of design and questions of use are discussed though not fully treated. It is high time for the municipality to develop vision and insight into the possibilities of municipal interpretation and growth through the use of civic pageantry and civic theaters. Dramatic art is more democratic abroad and it is to be hoped that the ideal of community drama which is now the enterprise of individuals will be stimulated here until it becomes the movement of municipalities.

"The Play Movement and its Significance"⁶ is another contribution from the pen of Henry S. Curtis to the literature of recreation. This book is broad and accurate in its information; its suggestions are concretely helpful and its analysis discriminating. The field covered is so broad that the treatment of any one phase of the subject is necessarily brief.

Mr. Curtis's discussion of the rural community and its recreational needs shows that the school has outstripped the church on the whole in ministering socially to the rural district and so the leadership in recreation for the community falls largely on the teacher in her social center school which must again become the consolidated school of earlier days adapted to present needs. Give the farmers the instigation and opportunity for getting together and many of their problems such as good roads, better schools, agricultural

credit, etc., will become simpler for their discussion of them.

Two chapters of special significance are those concerned with public recreation and municipal playgrounds. Proper facilities for a city's recreation are discussed and co-ordinated under the supervision of the director of recreation who is in the author's opinion one of the most important factors in a city's moral growth.

As to the function of the municipal playground in general it may be said that it supplements the school playground. In so far as it assists in giving children requisites for a well rounded education, *i.e.*, health and social habits, it should be under school authorities. Beyond that, however, the municipal playground must occupy leisure time outside of school time and provide for the leisure of adults as well. This function is not primarily educational but what is quite as important to the well-being of the city, recreational, and thus places the municipal playground in the city's department of recreation.

v

Let no one who is not open-minded read "The Play Way." Such a person would dismiss it briefly with the sceptic's sneer. To him who is earnestly seeking and following the lead of truth wherever found, "The Play Way" will appear as a welcome illumination. It represents an ideal in education and in that respect is comparable with Mr. Lee's "Play in Education." It is English in subject matter and setting. The author is master in a boys' school in England, who was necessitated, by the fortunes of war, to conclude hurriedly in France the description of the "Play Way" so successfully employed

⁵ "Outdoor Theaters," by Frank A. Waugh, The Gorham Press, Boston. \$2.50.

⁶ "The Play Movement and its Significance," by Henry S. Curtis, Ph.D., The Macmillan Company, New York. \$1.50.

⁷ "The Play Way," by H. Caldwell Cook, M. A. Oxon, Frederick Stokes Company, New York. \$3.00.

by him in England. An ideal may be as universal as we choose to make it and certainly Mr. Cook's conception deserves sympathetic consideration and emulation wherever children are to be developed into responsible citizens. Is there a group of boys in school, playground or settlement who would not respond to the challenge of a miniature Playtown whose rivers and bridges, roads and buildings offer countless problems for solution to the youthful surveyor, engineer or carpenter? This town, scarcely four yards by fourteen, built, peopled and operated by the boys themselves—in play, but interesting play—permits the tackling of most any municipal problem, the instilling of vital social and civic ideals. Here indeed, as one onlooker observed, is citizenship in the concrete.

Can anything more heretical be imagined than an entire class room lecture period managed from first to last by the pupils? And yet such is the case in the "Play Way" school. A few formal rules are adhered to and the scheme grows with experience, but the momentum is given by the "Littlemen" themselves whenever they suggest such an innovation as marking the lecturer for style as well as for interest or that questions and criticisms be instituted. Here the pupils are constantly balancing values and making decisions and consequently themselves acquiring the development hitherto usurped by the orthodox pedagogue.

The dramatic arts quite naturally contribute their quota to the development of the "Play Way" pupil for the real inspiration of true dramatics has been capitalized. Those interested in the spread of the little theater will greet with enthusiasm what Mr. Cook has to say on those excellent twin vehicles of self expression, miming and ballad making, as they have been used to serve the author's purpose.

Indeed all is grist that comes to his mill! What a wealth of childhood's fancy and imagination he has captured in his chapter on *Ilands and Chap Books*! What child has not mentally at least drawn his "Treasure Island" and peopled it with creatures of his fancy, fairies and bugaboos? To be permitted, nay, encouraged, by the teacher to the point of drawing one's "Iland" and then writing a make-believe story for it and calling it a chap book—this is, indeed, the very essence of play which directed becomes education. Delightful color sketches of *Ilands* are included and specimens of chap books that make one long for the land of make-believe with its fairy history.

The elaboration of sound educational maxims and their interpretation through the "Play Way" constitute the author's explanation of his method. A correlation of a child's education with the full program of citizenship is the thing striven for. To this end the needs of the world in which he is to live must be considered and so politics, not a gentlemanly civics, but red-blooded politics dealing with poverty and unemployment, women in industry and overcrowded cities, would be one of the first subjects introduced into an ideal "Play Way" school. What, after all, is the "Play Way" but an "endeavor to achieve right conduct in a true blend of the functioning of all man's powers?" Surely we may trust that the time is not far distant when as the author says "education must recognize a closer connection between the life and work of the 'Littlemen' at their desks and the life and work of their fathers in offices, behind counters, in fields, factories and workshops."

VI

Another evidence of the growing awakening to the importance of the

proper utilization of leisure is given in the articles our magazines have been publishing. Perhaps 150 articles dealing with the leisure time of the army and with the correlated work of the commission on training camp activities, have found space since the war in the columns of such magazines as *Scribner's*, *The Independent*, *The City Builder*, *The World's Work*, *The Modern City* and others. A factor hitherto important in the vigorous life becomes vital when war exacts its utmost toll of service from that life. And so while it was advantageous that the civilian employ his leisure profitably, it became indispensable that the soldier's leisure be a constructive, energizing force. The hard-won liberty of our fathers, the democratic institutions of our pride would not long have been defended against vandalism run amuck by a dissolute army of petty idlers, saloon loungers and vice-mongers. Your victorious army must be an army mentally as well as physically fit.

America set out in this war to create a victorious army. To this end was developed what has been called the non-military branch of the service. It might aptly have been called the pre-military branch of the service, the branch which lays the foundation in a sound physique, an alert intellect and a happy spirit for the intensive training which took the men "over the top." Results somewhat similar were obtained through the religious zeal of Cromwell's famous army and again through the vice-repressive policy of the Japanese army in the Russian Japanese War. Never in history has it been done as the United States has done it. One of the far-reaching results of the war, influencing greatly our national perpetuity and well-being and in which history will forever recognize Secretary Baker's keen moral and social vision was his practical

program developed through the war camp community service. When this army which was to represent and carry out the highest ideals of civilization was mustered it became evident that if it was to succeed in its mission it must be surrounded with an environment of ideals and culture, that it must be so permeated with these ideals that they would serve as "the invisible armor" against the attacks of vice more insidious and quite as fatal as the wounds of the enemy. Thus the constructive as well as the repressive machinery of the commission on training camp activities was set in motion. The articles published indicate that at least 600 municipalities organized in a co-operative endeavor to help win the first battle of the soldiers, the battle with vice, here at home, and thus sent forth an army unscathed to victorious combat overseas.

VII

But what happened to these cities meanwhile? What has it meant to the municipality to have its community sings and festivals with the men in khaki; to have its homes welcome the homeless soldiers; to have its exclusive clubs open their doors to "the boys"; to have its churches united in their efforts to entertain the soldiers? What could it mean, when all creeds, all political parties, all civic, social and fraternal organizations co-operated to use every resource within their possession for the common good but an increased realization of community responsibility, not alone to the soldier group camped near by, but to its citizens as well? And close in the wake of this newly aroused civic consciousness will follow the strength and sympathetic understanding which comes of co-operation and which must play so large a part in our work of reconstruction.

THE FATE OF THE FIVE-CENT-FARE. II

THE NEW TRAMWAYS CONTRACT IN MONTREAL

BY DELOS F. WILCOX

Chairman of the National Municipal League's Committee on Franchises

The first article under this title appeared in the November issue and others will follow every month hereafter, covering the situation in various American cities. Montreal's solution, calling for service-at-cost plus a bonus for good service, is novel and ingenious though legally hampered.

A FEW years ago when "service-at-cost" was producing 3-cent fares in Cleveland, it was anathema to the street railway interests of the country. Now that it may produce 6-cent, 7-cent or 8-cent fares if put into effect in any given city, they have made it the shibboleth of fair and just regulation. It is a poor rule that does not work both ways, and so, though service-at-cost seems to be going against the public just now, it is still as worthy of consideration as it was six or eight years ago.

Cleveland, after nine years of experience with the Taylor service-at-cost plan, has lately been talking of municipal ownership. Boston, a few months ago, inaugurated the service-at-cost plan under a scheme of private ownership with public operation. The new Montreal franchise contract is notable in that it adapts the service-at-cost plan to private ownership and operation without the alternative, until the expiration of the contract in 1953, of either public ownership or public operation.

Montreal with its immediate environs is a community about as large as Cleveland or St. Louis. Its tramways system serves not only the city proper but also a number of towns and villages on the outskirts and two smaller cities—Westmount and Outermont—which

are entirely enclosed within the city of Montreal.

LEGISLATION PREPARATORY TO THE NEW CONTRACT

In 1911 the Montreal Tramways company obtained from the Quebec legislature a charter running for a period of 42 years and a franchise to acquire, maintain and operate tramways within the city of Montreal as it then existed or as it might later be extended. This grant was conditioned, however, upon the making of a contract between the city and the company to determine the duration of the franchise and the conditions with which the company would have to comply with respect to the operation, maintenance, equipment, establishment and extension of routes in the city, the rates of fare, the percentages of gross earnings to be paid the city, the share of the cost of paving and maintaining the streets and of removing the snow to be paid by the company and such other terms and conditions as the city might deem it advisable to impose. The act prescribed that any differences between the city and the company in the interpretation of the contemplated contract should be submitted to the Quebec public utilities commission for final settlement.

Having received this charter from the legislature and having acquired the property of the Montreal street railway company, the Tramways company opened negotiations with the city authorities for a new contract. These negotiations were unsuccessful and resulted at one time in a serious civic scandal. No settlement having been effected, the legislature two years ago took the matter entirely out of the hands of the constituted civic authorities of the city of Montreal and appointed a special commission of five members, residents of Montreal or vicinity, and directed it to draw up the contract between the city and the company. The commission was directed to "proceed with all possible diligence" to carry out the objects for which it was constituted and was authorized to "employ experts and any other persons" whose services it might deem necessary or useful. It was also authorized to inquire into the facts over which its jurisdiction extended, "by all means suitable for enlightening it." The contract drawn up by the commission was to come into force after being signed by the commission or by a majority of its members on the day that it should be signed by the Tramways company. This contract was to bind the company and the city for a period of 36 years from that date except as it might be changed from time to time by mutual consent of the parties, and was to have the effect of canceling and replacing all other contracts between the parties for similar objects relating to the same territory. The act further prescribed that at the end of 36 years or at the expiration of any subsequent period of five years, the city should have the right upon due notice "to appropriate for itself the railway of the said company as well as the immovables and dependencies, plant and cars belonging to it and

necessary for the operation of the said railway, by paying the value thereof to be fixed by arbitrators and 10 per cent over and above the estimate."

LIMITATIONS ON THE TRAMWAYS COMMISSION'S POWERS

It will be seen from the above that the Tramways commission was vested with extraordinary powers. It was not required to consult the civic authorities or the people of Montreal with respect to the terms of the contract to be drafted by it and was not even required to give public hearings for the purpose of receiving suggestions and criticisms. Its powers were limited only by the provisions of the statute and by the necessity of securing the Tramways company's approval of its work.

As to the statutory limitations, they were few but important. Through an apparent oversight the act did not confer upon the commission any power to bind the municipalities served by the company other than the city of Montreal. However, the commission, as soon as it had studied the problem, saw the necessity of dealing with the metropolitan district as a whole and prepared the contract on this basis. Its action was validated by the subsequent ratification of the contract itself by the legislature. The two other limitations imposed by the statute were not to be overcome in this easy fashion, as the company was interested in maintaining them. One arose from the provision of the act extending the company's franchise until 1953, and postponing the city's existing option to acquire the property by purchase from 1922 until that date. This made it impossible for the commission to condition the continuance of the contract upon the good behavior of

the company or upon its maintenance of amicable relations with the city. It placed the company in a position where it would have an assured, irrevocable franchise for a period of 35 years, and where any means adopted to secure adequate service at reasonable rates during that period would have to be independent of possible recourse to municipal ownership and operation. The third limitation prevented the commission from establishing the value of the property at the present time as a basis for future purchase by the city, and consequently prevented it from adopting any amortization scheme for the gradual reduction of the purchase price out of earnings. Thus the commission's problem was reduced to the devising of ways and means by which satisfactory service and reasonable rates could be secured to the public during a period of 35 years under private ownership and management. There was nothing in the act which required the commission to prepare a contract that the company would accept, but it was well understood in Montreal that the purpose of the Tramways commission act was to facilitate the settlement of the relations between the city and the company by the preparation of a contract which the company would accept and which would complete and bring into effect the provisions of the company's charter granted in 1911 and of the act itself extending the company's franchise to 1953.

THE NEW CONTRACT PREPARED AND FARES INCREASED

Early in 1917, shortly after the commission was organized, it held a series of public hearings for the purpose of receiving the suggestions of the civic authorities and various civic organizations and individual citizens. It employed Dr. L. A. Herdt, an electrical

engineer and a professor in McGill university, as its technical adviser. After its public hearings were closed the commission made a trip to Chicago, Cleveland and other American cities for the purpose of investigating street railway conditions in this country. Subsequently, it caused a valuation of the Montreal tramways property to be made, and prepared a contract which after some negotiation with the company was accepted and signed by both parties January 28, 1918, and ratified by the legislature as a part of the Montreal city bill on February 9 following. The contract became effective as of the latter date, but considerable time elapsed before the machinery provided for the control of service and the revision of fares got into working order. A new schedule of rates was promulgated in June by the permanent Tramways commission, but these rates were suspended by an appeal to the Quebec public utilities commission. After prolonged hearings the utilities commission handed down its decision September 20, 1918, modifying and slightly reducing the schedule prescribed by the Tramways commission. The new rates, which finally became effective October 3, 1918, represent a considerable increase over the rates in force under the old contract. The cash fare is now 6 cents instead of 5 cents. General tickets are sold at the rate of 5 for 25 cents instead of 6 for 25 cents as formerly. School children's tickets are now sold at the rate of 7 for 25 cents instead of 10 for 25 cents as formerly. Special tickets during the morning and evening rush-hours are sold at the rate of 6 for 25 cents instead of 8 for 25 cents as formerly. The night tariff (owl service) is increased from 10 cents to 15 cents. Transfers remain free. The average fare paid during the fiscal year 1917 was 4.11 cents per revenue passenger. It is estimated that the

average under the new schedule will be about 4.85 cents. The permanent Tramways commission estimated that the company needed an average fare of five and one-half cents, but this estimate was reduced somewhat by the Utilities commission.¹

By the terms of the contract a uniform tariff territory was established to include the city of Montreal, the cities of Westmount and Outremont and certain adjacent towns to which this schedule applies. Outside of this territory are seven suburban communities in each of which a special schedule of rates was established. The local rates in these outlying towns range from two cents to five cents for cash fare. Tickets are also supplied at rates lower than the rates for the city district.

SUPERVISORY POWERS OF THE PERMANENT COMMISSION

The new contract applies in all important respects to the entire area

¹ On March 20, 1919, one of the members of the permanent Tramways commission gave out figures showing the results of operation under the new contract for eight months from July 1, 1918, the date when the commission's car mile allowances for operating expenses and maintenance went into effect. The company needed to earn 40.4 cents per car mile to cover these allowances and pay fixed charges. It actually earned during this period only about 36 cents per car mile, thus accumulating a deficit of \$700,000 in eight months. Under the new rates of fare in effect after October 3, the results were better, but even in December, January and February, which were very favorable months, the earnings fell short of requirements about 2 cents per car mile, or at the rate of over \$400,000 a year. In February the employees initiated an arbitration proceeding for further increases in wages which, if granted, will amount to about \$1,500,000 a year. This increase, together with the existing shortage in revenues, would necessitate another increase in the fares amounting to about one cent per passenger.

D. F. W.

served by the Company's system, and all provisions of the old municipal contracts inconsistent with it are superseded by its provisions. For the administration of the contract and for the exercise of permanent supervision over the company, a permanent Tramways commission is established consisting of three members appointed by the lieutenant-governor in council. The commissioners are required to reside in the territory under their control. They are appointed for 10 years but may be dismissed for cause at any time by the appointing power. Both the city of Montreal and the company also have the right to apply to the superior court for the dismissal of any commissioner for fraud, bribery, or refusal or neglect to carry out in good faith the powers or to perform the duties assigned him by the contract. This commission is given complete authority over extensions, maintenance, service and all the vital features of construction and operation, subject to the limitations of the contract itself and subject to an appeal from its decisions in most of the important matters over which it has control to the Quebec public utilities commission. The appeal may be taken by the company or by the city of Montreal, or by any interested municipality or by any party to the case involved. The commission is specifically required to hear and decide all complaints or applications made to it verbally or in writing by any person whomsoever.

THE FINANCIAL PLAN OF THE NEW CONTRACT

Article 92 contains the meat of the contract. It was prepared by a committee consisting of Senator Charles P. Beaubien of Outremont and Charles Laurendeau, chief city attorney of Montreal. In the course of their work they became familiar with the weak

points in the Chicago and Cleveland settlements, and it was their purpose to devise, if possible, a plan based upon the service-at-cost idea that would provide inducements to the company to work in the public interest. They started out by accepting what was then a comparatively new theory of rates as applied to street railways, namely, that the character and extent of service, the financial requirements of the investment, the necessary operating expenses and payments to the city must first be determined, and that rates must then be fixed so as to bring in the revenue required for these purposes. This idea of flexible rates, changing from time to time as made necessary by the financial requirements of the enterprise, had been put into effect in the Cleveland street railway franchise of 1910. Under that franchise, however, the fluctuations of rates could not go beyond the limits of certain prescribed schedules and the rate of return on the investment was definitely fixed so that the company's motive for economy and efficiency in operation as a means of earning additional profit was destroyed. The Montreal commission determined not to copy these defects of the Cleveland scheme.

Under the terms of section 92 of the Montreal contract the Tramways company is required to provide out of its own resources a guaranty fund of \$500,000 which is to be maintained continuously at the full amount and to be deposited so as to remain available at all times for the purposes for which it is created.

THE DEVICE OF THE OPERATING BONUS

Gross revenues can be disposed of only in the manner prescribed by the contract. Operating expenses, naturally, have the first call, and in order to

keep the company's expenditures under control and to supply an inducement for economy and efficiency in operation the following plan was adopted: At the beginning of each year the Tramways commission is to establish an allowance per car mile for operating expenses. This allowance will include provision for taxes, for the expenses of the commission itself, for insurance, for accident and damage claims including a reserve for claims not liquidated during the year, and for all other operating expenses exclusive of maintenance, renewals and depreciation. The commission is also to fix at the beginning of each year the permissible average density of traffic per car mile, so as to prevent the company from overcrowding its cars. If at the end of the year the company has kept within its operating allowance, or has not exceeded it more than $2\frac{1}{2}$ per cent, it will be entitled to a special bonus to be known as the operating profit which shall be equivalent to one eighth of 1 per cent on the total average capital value for the year. At the present time this will amount to about \$47,500 per annum. If, on the other hand, the company has overspent its operating allowance more than $2\frac{1}{2}$ per cent, it will be penalized to the extent of such excess expenditure by the loss of the operating profit and, if necessary, by being compelled to make up the balance out of its own guaranty fund. It was recognized, however, that an inflexible operating allowance fixed at the beginning of a year may prove to be insufficient on account of conditions arising that could not be foreseen at the time when it was fixed. It was stipulated, therefore, that in case the company is able to prove to the satisfaction of the commission within 60 days after the close of the year that the excess expenditure has been necessary and unavoidable in the rendition of service as

required by the commission, the penalty is to be remitted and the operating bonus allowed. Any portion of the operating allowance not needed during the year is to be returned to gross revenues.

MAINTENANCE, DEPRECIATION AND RENEWALS

The next charge against gross revenues is for the maintenance and renewals fund. There, also, the commission is to fix annually an allowance per car mile "for the purpose of maintenance, renewals, replacements and substitutions made necessary by wear and tear, age, obsolescence, inadequacy, accidents or other cause." The entire plant and property of the company used in providing public transportation service must be maintained at all times at the highest practicable standard of operating efficiency. Whenever any item of property contained in the appraisal or subsequently added to the tramways system becomes worn out or useless it is to be disposed of under the commission's direction and the proceeds are to be paid into the maintenance and renewals fund, unless other disposition of such proceeds is made necessary by the provisions of any deed of trust, and in that case the proceeds must be deducted from capital value. An exception is made in the case of moneys received from the sale of land and buildings, which are in all cases to be deducted from capital value and not to form a part of the fund. All expenses for maintenance, renewals, replacements and substitutions are to be paid out of this fund, and moneys not needed for these purposes during any year remain in the fund and are held in reserve until required for such purposes or for investment in betterments, additions and extensions as elsewhere provided in

the contract. Whenever any portion of the property is replaced, the cost of the replacement up to the full reproduction value of the unit or article as fixed by the appraisal (or the actual cost, in the case of items installed subsequent to the appraisal), is to be paid out of the fund and any cost in excess of that amount is to be charged to capital. If the cost of any replacement is less than the reproduction cost (or the actual cost, as the case may be) of the item replaced, the difference is to be appropriated from the fund from time to time for the making of betterments, additions and extensions without any increase in capital value. The commission may change the maintenance allowance from year to year, but the fund is not to be permitted, except temporarily, to fall below the sum of \$500,000. No money can be paid out of this fund, or loaned or invested, except with the commission's approval. If the city acquires the plant at the termination of the contract, the maintenance and renewal fund will belong to the city and will not be added to the purchase price of the property.

RECOGNIZED CAPITAL VALUE AND RATE OF RETURN UPON IT

The third charge upon gross revenues is the return upon capital. The amount of the investment, exclusive of working capital, is fixed at \$36,286,295 as of December 31, 1917. Working capital has since been fixed at \$1,550,000. The net amount of additions and betterments made or to be made subsequent to January 1, 1918, will be added to capital value. The company is permitted to receive in quarterly payments from gross revenues a sum equal to 6 per cent on capital value. From time to time as new money is required for additions, betterments and

extensions approved by the commission, such money must be supplied by the company, and the money so supplied will be added to capital value and the company will be entitled to an annual return of 6 per cent upon it, but when money is needed for these purposes, the company must borrow temporarily moneys in the maintenance and renewals fund, or in the contingent reserve fund or the tolls reduction fund hereinafter described, to the extent that in the commission's judgment the moneys in such funds are available. On moneys so borrowed the company must pay into the funds annual interest at the rate of 6 per cent, which it in turn will receive from gross earnings as its regular return upon additions to capital value. On account of the high cost of money during the war, the contract gives the company an additional allowance of 1 per cent per annum on money supplied by it for capital expenditures during the continuance of the war or within two years after its close, this additional rate being limited, however, to a period extending five years beyond the close of the war. Working capital is to be furnished by the company as ordered by the commission and upon such capital the company will receive the regular return of 6 per cent per annum. In addition to the allowances already described, the contract specifies that the company shall receive annually the sum of \$181,421.47 out of gross revenues to be expended solely for discount, commissions, printing, engraving, etc., incident to the issuance and sale of bonds or stock. This flat sum is the equivalent of one half of 1 per cent upon the original capital value as fixed by the contract. If any portion of this allowance is not required in any one year for the purposes above described, it must be kept in a special account and reserved for use in subsequent years

for similar purposes. In procuring additional capital required under the contract the company must limit its issues of mortgage bonds or debenture stock so that they will not aggregate more than 75 per cent of the total additional capital furnished under the contract. The net effect of the provisions relating to return upon capital is that the company will be allowed 6 per cent to be distributed in interest and dividends, an additional 1 per cent temporarily on new money supplied during the war and the equivalent of one half of 1 per cent on the original capital value to cover the expense of financing new capital; subject to the limitation, however, that any portion of this special allowance not used for this purpose shall not be distributed to the stockholders during the life of the contract, and that the dividends paid upon stock shall not during that period exceed 10 per cent per annum.

The fourth charge against gross revenues is a payment of \$500,000 per annum to the city of Montreal. This is in lieu of the percentage payments provided under the old contract.

THE DISPOSITION OF THE SURPLUS

The fifth charge against gross revenues is an appropriation for the contingent reserve fund. This fund is to get 1 per cent of the revenues until it amounts to \$500,000, when the appropriation from revenues will be suspended until again needed to restore the fund to this full amount. This fund constitutes a surplus which must be maintained as a guaranty that the charges against gross earnings heretofore described will be made up in case of a deficiency in any particular year. At the termination of the contract the moneys remaining in this fund will be distributed in the same manner as the divisible surplus now to be described.

All the portion of the gross revenues remaining after the payment of the charges heretofore described will constitute the divisible surplus and will be distributed at the end of each year in the ratio of 30 per cent to the city, 20 per cent to the company, and 50 per cent to the tolls reduction fund. The portions of the surplus paid to the city and to the company respectively will belong to them to be disposed of as they see fit, subject to the limitation already mentioned that the company may not in any year during the life of the contract pay dividends on its capital stock in excess of 10 per cent.

FUTURE ADJUSTMENTS IN THE FARE SCHEDULE

The tolls reduction fund, which is to be built up year by year from 50 per cent of the divisible surplus, is a fund to be used for the reduction of fares in case the fares in force at the beginning of the contract or at any subsequent period prove to be unnecessarily high. When this fund reaches the sum of \$1,000,000 the commission *may* reduce the fares, and when it reaches the sum of \$2,500,000 the commission *must* reduce the fares. In order to insure reasonable stability in the new fare schedules established by the commission, the contract provides that when fares are to be reduced, one fourth of the moneys then in the tolls reduction fund shall be taken out and turned back into gross revenues, and that the amount of the reduction of fares for the year shall be at least equal to the amount so taken out of the tolls reduction fund but shall not exceed that amount plus an amount equal to 75 per cent of the annual flow from gross revenues into divisible surplus. Thereafter, at the beginning of each year, the commission is to take a like amount out of the tolls reduction fund

and turn it back into gross revenues so long as moneys are available for this purpose. This plan was devised for the purpose of stabilizing rates as much as possible and at the same time preventing the commission from completely stopping the flow into the divisible surplus by arbitrary reductions. If the tolls reduction fund becomes exhausted the rate of fare will nevertheless not be changed unless an increase becomes necessary. Whenever the contingent reserve fund falls below \$300,000, with all prior charges upon gross revenue paid in full, the commission must appropriate moneys from the tolls reduction fund to restore the contingent reserve fund to the full amount of \$500,000, and if no moneys are available in the tolls reduction fund the commission must increase the fares in an amount at least sufficient to restore the contingent reserve fund and maintain it at the full amount. At the termination of the contract any moneys remaining in the tolls reduction fund will be the property of the city without any enhancement of the purchase price to be paid for the company's plant.

WILL THE MONTREAL PLAN WORK?

No franchise contract will enforce itself. No matter how good the scheme, it will not work automatically. Private operation of a street railway system, if the public interests are to receive adequate attention, must be continuously supervised through the application of public intelligence and will. Montreal starts off, under the new contract, with a valuation that seems much too high—nearly \$39,000,000 (including working capital) for about 243 miles of main track, or approximately \$155,000 per mile. Undepreciated reproduction cost, with rather liberal percentages for overhead,

was taken as the basis for fixing the capital value. This will be a continuing financial handicap, but in the main the success or failure of the Montreal plan will depend upon the per-

sonnel of the Tramways commission and the inherent difficulties in the way of making a private company, with an irrevocable long-term franchise, act as a responsible public servant.

COMMUNITY COUNCILS, AND A DANGER

To the Editor of the National Municipal Review:

SIR:—There is much loose talk about "democracy" in these days and a wide acceptance of the view that almost any proposition will go down if plastered over sufficiently with that label. In a similar way, the good word "community" has become most undesirably fashionable and is added to all sorts of enterprises and agencies to make them more palatable. A new school of political philosophers has arisen who fairly wallow in "community" this and that, hoping in that way to escape the cold breeze of critical analysis. I do not mean to say that community centers and community councils may not be good in themselves; but in the expositions of their goals and purposes I have failed to find a more promising approach to democracy—and it is this which is specially claimed for them—than in the established self-government of the people through their elected representatives, and in many other social activities.

So far as I can see, the main idea of advocates of the newer loose forms of community organization as against the established forms of popular government is that they will by these means get rid of political abuses and at the same time make for an increase in self-determination, the assumption of civic responsibility by the masses of the people. In that contention I see a dangerous doctrine, a doctrine subversive of all the improvement and

progress in municipal government that has been made and is being made by such bodies as the National Municipal League.

A great war has found many of our municipalities unable to cope with the added responsibilities. No special blame attaches to them, they were not equipped to shoulder the new burdens. So, quite naturally, a great part of the necessary war work devolved upon voluntary bodies of citizens, working harmoniously with the city authorities and, in some manner or other, delivering the goods. These committees and sub-committees have done their work nobly. The question, however, arises whether they are a necessary or a desirable addition to the permanent machinery of local government. In many cities, councils of national defense have organized not only general community councils for the city or various parts of it but also large numbers of committees which almost without exception infringe upon the work of some responsible public agency or officer. These councils and committees may be "representative" in an elastic meaning of that term; but they certainly have not been elected by popular vote and probably would not have stood a chance of election if the people had voted upon their composition. Is this progress towards democracy?

There are now at work in this country many groups of intelligent and practically experienced municipal reformers, some of them united on a

specific program, others in a more general way, who are endeavoring to shape the system of municipal representation, government and administration into something more in harmony with the ideal of real civic self-government and with the ideal of competency. They are working hard and deserve every possible encouragement. Can we afford, under the cloak of war emergency or now under that of reconstruction needs, to cut the ground from under them—to help reduce the elected bodies to nonentities in a vague hope that others, without the authority of public office, may do better?

I believe in community councils or any other form of organization that will really help to distribute civic responsibility. But I do not believe that it can be done by divorcing the activities requiring large revenues and, therefore, necessarily remaining in the hands of elected authorities, from others that can be made self-supporting. Such a division of governmental functions fosters irresponsibility on the one hand and impotence on the other. The only way in which the popular organization of the community or neighborhood can be made conducive to better self-government is to ally it very closely with the constituted authority, to give it the relation which in many of our social organizations the volunteer has to the paid and responsible executive, and not to expect that it can ever be anything but subsidiary to the main processes of government and administration.

The efforts to popularize government and to improve its efficiency, obviously, are not contradictory—but we may easily make them so if we mistake the proper function in the community of the great mass of citizens. Properly educated, they may become better, *i.e.*, more intelligent voters. In much larger numbers than at present they may take part in specific administrative jobs of municipal departments; but never will they effectively replace in a responsible capacity the trained professional administrator and the expert municipal officer.

There certainly are many things in our municipal processes and civic life that need “reconstructing”—another fashionable term. But let us beware of pulling down too much, of letting our enthusiasm for self-government effervesce in the advocacy of impracticable substitutes for the product, unsatisfactory though yet it is, of age-long experience. Continuity of effort, after all, is an element in progress which only a very rare and very revolutionary change in human needs or notions justifies us to sacrifice. While it is yet time, let us guide, not check, the growth of the new tendencies for direct participation in civic management. There may be in them the promise of a tremendous perfection in our whole social organization—but for the moment there is also in them a threat to the very life of the municipal reform movement.

BRUNO LASKER.

NEW YORK, April 10, 1919.

AN ADVENTURE IN TENNESSEE WITH OUR MODEL CHARTER

BY AUGUSTUS RAYMOND HATTON

I

THE attempt to get the Memphis council-manager charter bill through the Tennessee legislature developed an opposition which, for deliberate and cynical misrepresentation and general political nastiness, could scarcely be surpassed. The bill was based largely on the model charter of the National Municipal League. In the matter of popular control it went beyond the League's recommendations. Yet in spite of the strongly democratic character of the proposal, its opponents shouted of kaiserism, autocracy and municipal despotism. Asked for specifications and met by calm argument, they merely shouted louder. The volume of sound and degree of fury were indeed impressive. One who took vehement statement for fact would have been convinced ten times over that this bill was the most vicious measure ever introduced in an American legislature.

Curiously enough—or was it to be expected—the opposition was led by newspapers and men closely connected with public utility and other great corporate interests of the state, who now emerged as the self-accredited defenders of democracy and popular rights. Add to this the fact that this session of the Tennessee legislature belongs to the public utility interests of the state. Those interests wanted a public utility commission bill to their liking and are reputed to have spent a large amount of money to get it. The money was used to get "safe" men elected and to

convince the legislators of the merits of the utility commission bill.

The Memphis charter bill as drafted contained adequate provision for the control of public utilities. When it went up against the legislature, it became apparent that it could not pass so long as those provisions remained in it. Everything relating to public utilities had to be eliminated.

II

A hearing was had on the bill on March 26. The chamber of the house of representatives was filled. The principal speech in opposition was made by G. T. Fitzburgh, one of the leading lawyers of Memphis, reputed to have aspirations to be United States senator, and closely connected with the Memphis newspaper which represents corporate interests in west Tennessee. In his crusade against the Memphis charter he joined forces with the Nashville paper controlled by General Luke Lea who is said to yearn to be the next governor. The attack of Mr. Fitzburgh was nothing if not vigorous. Vigor was the more readily possible because the speaker discarded the restraints which knowledge of the bill and accuracy of statement would have imposed. The eagle screamed and the measure was painted in colors so black that Stygian darkness would have been fair as a lily beside it. The peroration was an especially great effort—a plea that when the boys who broke the Hindenburg line in order to

destroy absolutism in Europe returned to Tennessee it should not be to find absolutism enthroned in the largest city of that great commonwealth. That peroration should have drawn tears, though it is doubtful whether it did so unless, perhaps, from the speaker himself. Even that should not be asserted. His vigor of speech had put the orator into a profuse perspiration, and at a little distance perspiration may easily be mistaken for tears.

The speaker for the bill who followed Mr. Fitzburgh confessed himself embarrassed by the mere number of the misstatements which he was called upon to correct. However, he did take up the principal charges which had been made and answered them one by one. There was one cruel stab for the orator of the opposition in this calm presentation. The section which had been singled out above all others to be viewed with alarm was that regarding eligibility to the council. The choicest words of condemnation had been reserved for the deep and daring villainy of a provision which, it was declared, made it impossible for anyone but a member of the council to be a candidate and which would thus render the council first chosen self-perpetuating. Ah, now the mask was torn from this iniquitous proposal! Here was a skillfully laid plot to steal the government away from the "peepul" of Memphis and place it irrevocably in the hands of a self-perpetuating group! So ran the argument about this provision—which, as the next speaker frigidly remarked, had been a part of the old charter of Memphis for years and had been taken over verbatim into the new draft.

Members of the legislature came around with expectant looks, and, it was firmly believed by competent observers, got bribes from the opposition. The charter passed one house unani-

mously and failed in the other by two votes.

III

The above picture is not overdrawn. It indicates the kind of opposition which legislation in the public interest frequently has to encounter. Here was a bill providing a council to be nominated and elected in a manner to insure the maximum of popular control, containing the most advanced provisions for the initiative, referendum and recall yet drawn, providing for a manager to be appointed by the council and removable at any time, establishing the merit system and a well developed budget procedure—such a measure boldly attacked as a device to set up kaiserism in the largest city of Tennessee!

Why does not such an attack as that made upon the Memphis charter bill defeat itself? When they read the measures cannot legislators be counted on to react against such unfounded charges? That is to assume that members of state legislatures read the bills which come before them. Only a small fraction of them read even the general bills. (In Tennessee all bills are not even printed.) Local bills fare even worse. No one pretends to feel any responsibility for a local bill except the members from the city or district which it would affect. To other members such bills are of interest only as items of barter in the process of getting votes for their own pet measures. Consequently, so far as local bills are concerned, an unfounded and misleading statement if made with sufficient plausibility and force has about as good a chance of acceptance by state legislature as the truth which it seeks to supplant. That was the situation in which the proposed Memphis charter found itself. It was a local bill. Therefore, in the final struggle the merits of the

measure had little to do with its passage or defeat.

Actual contact with a few such cases as that above described takes the question of constitutional municipal home

rule and reform of legislative procedure out of the realm of academic discussion. They begin to assume the proportions of issues vital to the future of American institutions.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

FIGHTING THE SPOILSMEN. REMINISCENCES OF THE CIVIL SERVICE REFORM MOVEMENT. By William Dudley Foulke, LL.D. New York: G. P. Putnam's Sons, 1919, pp. VI, 348.

Mr. Foulke has given us a most interesting book. It is a story of his part in a reform, the importance of which in our national life is insufficiently appreciated. It would occur to comparatively few to give to the National Civil Service Reform League an equal place in our history with the Anti-Slavery Society, as does Mr. Foulke in the opening sentence of his book. Yet both these organizations fought a kind of disease in the body politic which, unchecked, would assuredly have brought us to a point of weakness unable to withstand attack. No democracy, any more than an autocracy, which rests on privilege, on the distribution of patronage, can finally survive. It must establish its right to live by being an efficient government; it cannot be efficient when its work is done—or not done—through intrigue and corruption. Mr. Foulke, in describing conditions as they existed before the enactment of the Pendleton civil service law in 1883, quotes Mr. Lincoln as saying to Mr. Schurz: "I am afraid this thing is going to ruin republican government." Mr. Lincoln's prescience is not to-day ordinarily gainsaid. One reason why the great work done by the league has not been fully realized by the body of the people is that there has been nothing dramatic about it. The reform, so far as it is such—for a complete result is still some distance off—has been brought about by the persistent, intensive efforts of a small group of patriotic, broad-minded, earnest men. When they began, the doctrine they preached was the subject of derision by the politicians; to-day every one of the latter, having any regard for his political life, pretends, at least, to be its fervent supporter. How it has been done people do not really know and this is what, in part, Mr. Foulke tells us.

The story which he tells is frankly personal. No one now living has a more intimate connection than he with the development of the reform in the national service from its very beginning.

The shortcomings of each administration, but one, in making the law effective, from the first of President Cleveland to this of President Wilson, are impartially set forth with a considerable wealth of detail and one cannot read the account without a realizing sense of the significance of his title. It has been a continuous fight with the spoilsmen. This does not mean that proper credit is not given. It is given in a very high degree to President Roosevelt and to a limited extent to Presidents Taft and Cleveland. Indeed, every president, he says, "since the Pendleton act has been personally favorable to the system and if left to himself would not only have enforced the law but would have extended its application more rapidly and consistently than was actually done." In the case of President Roosevelt credit is bestowed where it seems not to be due, in the case of the special exceptions to the rules made by President Roosevelt for favored individuals. Prior to his administration, special exceptions had been made but they were few in number and were always of the position. President McKinley who does not, in Mr. Foulke's opinion, stand very high in the list of presidents for his sympathies with the reform, had made three. President Roosevelt, his immediate successor, in his first administration, made about 60, most of them in favor of named individuals. The department of commerce and labor, as one example, had no places exempt from competition but was nevertheless by this method supplied even with messengers, and telephone operators. Of this practice Mr. Schurz in his annual address to the league in 1904 said: "The whole proceeding bears in some respects a striking resemblance to the distribution of places under the spoils system." Perhaps Mr. Foulke should be pardoned for his attitude in upholding this practice, for he was then civil service commissioner. He was not, however, even an accessory after the fact in many cases, inasmuch as the record shows that many of these exceptions were made by the president against the advice of the civil service commission.

It is from Mr. Foulke's personal contact with the events which he relates that the book derives

an adequate part of its interest. Reminiscences, if well told, have an appeal apart from the history which they go to make up. Their authors are something like the players whom Hamlet describes as being the "abstract and brief chronicles of the time; after your death you were better have a bad epitaph than their ill report while you live." Because of the immediate contact with human nature which the administration of the civil service must have to do, humorous incidents in connection with it are as plentiful as blackberries and as various as human nature itself. No account like this can fail to produce some of them and Mr. Foulke has not neglected his opportunities in this respect. The book is full of anecdote. And a great deal that is not anecdote is told with a delightful humor. He gives a lively relation of the Maryland census scandal of 1900, which must be read in full to be appreciated, where, because the first enumeration proved unsatisfactory to a Republican congressman, supplementary schedules were sent out with directions to the enumerators to get additional names. When an enumerator objected that he did not know where to get them, he was asked "are there no graveyards in the district?" The names were produced, among which was not only a dead woman, but the Washington undertaker who had come down to bury her. One boy, six years old, appeared as a school teacher; another boy, two years of age, was a carpenter and still another of the same age, a farm laborer employed during the entire year, who could read, write and speak English. There is the inimitable, naïve letter of the constituent of a congressman "in sight" as he says, "of the clover patch," who wants a place which pays well, such as a cabinet place or "if Governor Wilson won't come across with that appointment, touch him a little more lightly" for a job as post office inspector or (in a postscript) he would be content with a nice ambassadorship in a nearby country. And there is the delicious piece of journalistic writing in the New York *Sun* concerning Mr. Foulke's retirement from office as civil service commissioner, far too long to quote, which Mr. Foulke says expressed fairly well the idea of the opponents of the reform concerning the progress made. Its theme is the so-called "Anthem of the Civil Service Commission," of which an idea may be had from its concluding stanza which is:

"When we rule every job on the classified
Earth
We'll turn our attention to Mars,

And when there's a dearth of classified worth
We'll examine the classified stars.

We're here with our lists, and we're here with
our jobs,

And we trust you will understand
That we're getting them all, the great and the
small,

And are right up behind the band."

The reminiscent quality of Mr. Foulke's account is excuse enough for the omission of many things which we shall find in the history of the civil service reform league and the movement which it led, when such a history comes to be written. No such history, for instance, would be at all adequate which did not contain a relation of the exceedingly able and loyal work of its secretaries, especially Mr. McAneny, Mr. Goodwin and Mr. Keyes. On this Mr. Foulke does not touch. It is beyond controversy that without their work the movement could not have attained the success which has been so far achieved. The league has been extraordinarily fortunate in their possession. Nor does the book have any concern with the work done by the league in the various states—an extensive work of like consequence and value with that done in connection with the federal service. But as Mr. Foulke himself points out, the time for such a history has not yet come. The purposes of the league are so far from being accomplished that the organization may almost be said to be just launched upon a career. With its growth, the league recognizes that it has a much more difficult and enduring task than was involved in its purposes when it was organized. What it stands for is the promotion of real efficiency in a democracy. The new and unforeseen problems which are the outcome of the war have simply enlarged the field of its activities and made its service more essential than ever before. This is Mr. Foulke's own opinion, for he says in conclusion that "there never was a time when the efforts of the reform league were so essential to our national welfare."

Not in the function of a history but of a document lies the value of Mr. Foulke's retrospect. It will be a source of information and of inspiration to the future historian. And in this connection it would be much less than gracious to omit to call attention to the unselfish devotion, persistent energy and ability which Mr. Foulke has himself contributed for 35 years to the cause which he has so much at heart. It is not possible to read his account without being impressed by the fact.

NELSON S. SPENCER.

New York City.

CIVICS FOR NEW YORK STATE. By Charles DeForest Hoxie. New York: American Book Co. Revised 1918.

A COURSE IN CITIZENSHIP AND PATRIOTISM. By Ella Lyman Cabot, Fannie Fern Andrews, Fanny E. Coe, Mabel Hill and Mary McSkimmon. Boston: Houghton Mifflin Company, 1918.

CITIZENSHIP IN PHILADELPHIA. By J. Lynn Barnard and Jessie C. Evans. Philadelphia: John C. Winston Company.

OUR COMMUNITY. By Samuel H. Ziegler and Helen Jaquette. Philadelphia: The John C. Winston Company, 1918.

THE NEW AMERICAN CITIZEN. By Charles F. Dole. Boston: D. C. Heath and Co., 1918.

One of the good results of the quickening of patriotism during the past two years has been an unmistakable increase in the attention which educational authorities are giving to the teaching of citizenship. Of the large number of texts which have recently appeared the group above may be taken as fairly representative. While the purpose of these texts is largely the same the methods pursued differ very widely.

Hoxie's "Civics for New York State" is a revised and enlarged edition of a book which appeared in 1901. While the material has been greatly altered the method of presentation of the earlier edition has remained the same. It is a description of the governmental machinery of the state of New York. It is a veritable mine of facts presented with little regard to the principles of modern pedagogy or the limitations of the young mind. The teaching of civics by means of a reference work is about as sound as the teaching of a modern language with the sole aid of a dictionary. The dry, arid civics of 20 years ago of which this text is a reminiscence has fortunately received the condemnation of civics teachers throughout the land.

The "Course in Citizenship and Patriotism" is for use in the elementary school. It is made up of selected poems, stories and maxims for use throughout the elementary grades. The theme as expressed in the introduction is that of "citizenship governed by good will and expressed in service." Beginning in Grade I with the home as a center the attention of the child is directed successively to home, school, playground, neighborhood, city, nation and the world. The teaching of citizenship is too complex a thing to be

solved by a simple geographical exercise which passes from the home to the universe. However, the selection of material in all of the divisions of the book is so carefully made as to make up for the naivete of the order of presentation. The unquestionable need for moral instruction of some kind in the public school might to a very great degree be met by a wise use of this book. It presents admirably that larger social morality which is the very heart of good citizenship.

Barnard and Evans's "Citizenship in Philadelphia" and Ziegler and Jaquette's "Our Community" were both prepared as a part of a plan of teaching citizenship which has been developed in the public schools of Philadelphia. This plan which is an application to Philadelphia conditions of that type of civics teaching which is widely known as "community civics," is distinguished by two characteristics: an overwhelming attention to the concerns of community house-keeping and the teaching of the duties rather than the rights of a citizen. It is easy to see that if citizens can be kept busy picking up waste paper and swatting flies they will have little time for the study of economic questions and the exercise of those facilities of democratic government by which citizens may in orderly fashion secure economic and social justice. This in the opinion of the reviewer is the fundamental failure of "community civics." Barnard and Evans's text presents in a very attractive manner the details of the government of Philadelphia. Ziegler and Jaquette's text gives one chapter to national concerns and 20 to smaller units of government. The practice of citizenship through the presentation of debatable public questions and the exercise of the ballot is all but ignored. More attention is given to mosquitoes than to the income tax and more space to a picture of Boies Penrose than to the need of a national budget.

Mr. Dole in his introduction says: "I have tried to prepare this book in close sympathy with the fundamental ideas which constitute the democratic faith of mankind. In touching upon political and other subjects upon which men and parties differ, I have thought the only way is to state fairly both sides. The young people, soon to be voters, ought not to be either ignorant or prejudiced. . . . I have not hesitated, however, everywhere to insist upon the ideals of a just democracy as the only scheme of successful co-operation in government or industry suited to a civilized life." He has in every way attained

his purpose. The text which he has prepared has all of the essential facts concerning government presented in an attractive way. But he has gone beyond the mere preparation of a catalogue. The citizen is the hero of this book—not a mere community waste-paper gatherer and law obeyer, but the individual for whom the state exists. His duty of taking a part in establishing justice is as carefully presented as his obligation to respect authority. It is significant too that the author gives one fourth of his space to "Industrial Democracy; or, the Rights and Duties of Business and Labor." The connection between the world of industry and the policies of government are presented in simple and straightforward language. The book is educationally sound, the material is attractively presented and best of all the facts of life are presented fearlessly and justly. It is to be hoped that the civics of industrial, social and political democracy rather than the civics of community housekeeping has a sure place in the future of education.

RAYMOND MOLEY.

★
STORY, RUSSELL McCULLOCH—THE AMERICAN MUNICIPAL EXECUTIVE. University of Illinois: Studies in the Social Sciences, vol. VII, no. 3, pp. 231, Urbana, 1918.

Of recent years the attention of serious students of municipal government has been turned more and more to the administrative as contrasted with the political aspects of the subject. We have been experimenting quite freely with different types of executive organization—particularly the mayor, the manager and the commission types. The time is surely ripe for an illuminating study of the executive function in city government. The announcement therefore of a monograph on the *American Municipal Executive* excited the liveliest anticipations. On examination, however, the work proved disappointing. It is nothing more nor less than a discussion of "the executive" in that popular sense in which "executive" means the head of state or city. The book is really a study of the American mayor as a figure in city life. Of course a reviewer cannot legitimately quarrel with an author for having written the wrong book. He is within his rights, however, in demanding that it be properly labelled.

A chapter is given up to the mayor-commissioner, the author even speaking of that functionary as the "chief executive." The funda-

mental conception of commission government is that executive power belongs to the commission as a body. The mayor, if there be one in name, is simply the presiding officer of that body. He frequently may be its most influential member, but his power is that of influence alone. That the mayor is frequently not even the head of a department and that any general supervisory power the charter gives him amounts to nothing in practice, is a matter of common observation. Where, as in Houston, the mayor has an appointive power and a veto, you simply do not have commission government. In fact no one can explain a chapter such as this except upon the theory that the author's interest is in the office of mayor rather than in the functioning of the executive.

There is a brief chapter on the city manager in which Mr. Story describes very imperfectly and with little evidence of understanding the formal relations of that officer. Beard's *Digest* gives the same facts and has the surpassing merit of giving them all. To one who has been a manager it seems a waste of time to publish such a perfunctory treatment of that very vital subject.

After a brief introductory chapter the author plunges into the historical development of the mayoralty somewhere in Merovingian times and sweeps us in 20 pages over the intervening centuries. He deals dogmatically with many disputable points in history never once deigning to inform us where he obtained his information. For example, on page 22 he says the title of the office which in New England corresponded to the mayoralty was "moderator," without indicating his authority for a statement so astounding to New England ears. The later phases of the mayoralty are by no means clearly defined. It is difficult of course, in a few pages to sum up the stages of an evolution so extensive. By the same token it should not be lightly undertaken.

There follow 110 pages in which the author deals at length with the legal aspects of the mayor's relations with the public, the council, the administration, etc. An enormous amount of industry is evidenced in these chapters. They deal, however, almost altogether with the formal rather than the actual position of the mayor and shed little more light on the subject than a compilation of charter and statutory provisions would afford. The author has evidently neither the sound knowledge of municipal corporation law nor the practical experience to make his generalizations valuable. There

appear in these pages a mass of undigested detail presented with little regard to the relative importance of different matters. For half a century German university influence has been moulding our graduate schools into fact factories and our graduate students into industrious grubbers in the field of knowledge. Mr. Story is not to be blamed for writing the sort of thing which most surely wins academic preferment. He has done what is technically known as a piece of "research." That it contributes nothing except proof of his surprising industry is a characteristic it shares with thousands of similar "studies" now on library shelves. There is not a single sound generalization in the course of the whole book which would not be recognized at once as a truism by any real student of municipal government.

His chapters on the mayor and politics and the personality of the mayor are more interesting to the general reader and show an encouraging tendency on Mr. Story's part to think for himself. The latter with its bits of biography would make a fairly successful magazine article. His inclusion of the present mayor of San Francisco in the honor roll of distinguished mayors along with Hunt, Johnson, Whitlock and Mitchell would cause, however, many persons in this corner of the world to doubt the soundness of his judgment in estimating municipal achievement.

THOMAS H. REED.

San Francisco.



PROCEEDINGS OF THE NATIONAL CONFERENCE OF SOCIAL WORK (formerly, National Conference of Charities and Correction) at the 45th Annual Session, held in Kansas City, Mo., May 15-22, 1918. 315 Plymouth Court, Chicago. 722 p.

AMERICAN CHARITIES. By Amos G. Warner. Revised by Mary Roberts Coolidge. Third edition. New York: Thomas Y. Crowell Company, 1918. 541 p.

A casual examination of the proceedings of the 1918 National Conference of Social Work explains the organization's recent change of name. The program indicates clearly enough that the interests of the members of the conference are not confined to the field connoted by the former name—"Charities and Correction." Among the principal topics are public health,

insanity and mental hygiene, the church in various relations, recreation, child problems, the family, labor problems, pensions, insurance, land settlement, Americanization, rural problems and various industrial and economic problems. One paper urges "abolition of inheritance," another discourses on "the war and the I. W. W." It should not be inferred either that it is a criminologist who analyzes the mind and motive of the I. W. W.; it was a member of the editorial staff of the *Detroit News*. He starts out with the thesis that "The I. W. W. is basically a state of mind, a rather primitive but perfectly natural mental outlook, and is comprehensible as such," and he concludes that "When the world is made safe for democracy, industrially as well as politically, there will be no economic serfdom and consequently there will be no I. W. W."

Professor Elwood, of the University of Missouri, presented a paper on "social facts and scientific social work" which furnishes an unusually stimulating and penetrating analysis of the broadening scope of what is called social work. "Scientific social work is," he declares, "not a program of mere palliative social amelioration; it is a program of radical and rational social reconstruction based upon an adequate knowledge of social facts; and it is the only program, not revolution by force, which can build a humanitarian civilization that can guarantee an adequate life for all."

Roger N. Baldwin, discussing "an industrial program for after the war," sets forth fundamentally the same conception by interpreting the social worker as a solvent of class conflict and an interpreter of radical and working class movements.

The reader who turns from these very forward looking addresses to the first edition of Amos Griswold Warner's *American Charities* (1894) is likely to conclude that present-day students of charity and philanthropy have forsaken their special field of service—the care and discipline of the dependent and delinquent classes—to become doctrinaire social reformers. Warner in his classic work formulated the principles of relief with a masterly grasp that is still unexcelled, but one looks in vain for this note of profound dissatisfaction with what social workers now look down upon as pathology and mere alleviation.

Into the two revisions of *American Charities* which have been prepared by Mrs. Coolidge the idea of "the reconstruction of a society" which

¹ See p. 111 and footnote.

will place the individual on a "plane of normal living" has been injected. It is Mrs. Coolidge, not Dr. Warner, who writes in the third edition, "no social movement can be alien to the social worker, who has so far been educated by his task that he now demands that ultimately justice shall precede charity, and prevention take the place of cure. It was once the accepted doctrine that prosperity and happiness were the natural results and reward of goodness, but the social worker in daily contact with the poor sees that their poverty comes from a deeper source than the vices or virtues of the individual—from sources which can be reached only by industrial and social changes which it is beyond the power of a single generation to make."

Of the first edition of Warner Professor Henderson wrote, it is "fair and moderate to say that it is a book of lasting merit and without a rival in its field. It must remain a vital force in the inspiration and wise direction of benevolent purpose." It is the remarkable vital force of the volume, which was evident when it first appeared, that has just carried it into a third edition. Another reason that Warner's *American Charities*, first published a quarter of a century ago, has not been supplanted is its good fortune in having a competent and sympathetic disciple of the author to keep it up to date. Mrs. Coolidge, pupil, colleague and friend of the author, assisted in the preparation of the original edition and was named by Dr. Warner himself to revise the work when a new edition should be called for. One can therefore assume that the revisions represent a faithful endeavor to preserve the distinctive quality which gave the original work its classic character. The editions of 1908 and 1918 are most worth while because of their fresh illustrations, statistics and bibliographies. Some no doubt would prefer the original text for interpretations and statements of principles, or at all events they would have been grateful if Mrs. Coolidge had indicated a little more specifically the new matter introduced in the text. The reader is not told that passages like the one quoted above did not appear in the first edition, nor is he warned—though that would scarcely be necessary—that such interpolations as the following are from the hand of the reviser: "As cities adopt manager and commission forms of government they become less politically partisan and are ready to listen to the social worker's point of view."

C. C. WILLIAMSON.

JUDICIAL TENURE IN THE UNITED STATES.

By William S. Carpenter, Ph.D. New Haven: Yale University Press.

The five chapters of this little volume deal with the place of the judiciary in our federal scheme. The power of the courts to define the constitutional limitations of the co-ordinate branches, which makes a balance wheel of the judiciary, is considered, together with the allied and equally important elements of selection and tenure of judges. More briefly the powers and limitations of reviewing courts in the states are discussed. The book is kept within 223 small pages by avoiding the discussion of cases, but its citations to cases, documents and addresses is so complete as to make it very convenient as a guide to a study of the subject or any part of it.

In the last chapter, devoted to conclusions, the author shows a very complacent attitude, due in part, we suspect, to his nearness to one of our most learned and progressive state supreme courts (at Madison).

After more than 100 years of exercise by the courts of the power of review over legislative acts the quibbles and attacks on this score are merely academic. We are clearly committed to this balance-wheel theory of republican government. But, strangely enough, a century has not been long enough to prove beyond doubt that this is finally the best mode of government. The example of France shows that it is not the only way of living under a written constitution. We have learned at least that sovereignty is of a volatile and illusive nature, tending to take refuge in the more expert branch, perhaps even when this branch is not the most quickly responsive to public sentiment. There is a common belief in the legal profession that a great virtue lies in the relatively irresponsible nature of the courts, but England's history has not yet disproved the practical worth of legislative sovereignty.

At this time, with the demand for the recall of judges receding and when there is no serious proposal to alter the mode of selection and tenure of federal judges, and when the courts of resort are indicating a disposition to apply the rule of reason to constitutional limitations affecting economic and industrial conditions, such a handy reference volume as Dr. Carpenter's is able to sum up a great deal of American history. But there yet remains doubtless much of accommodation, if not of serious conflict, between leg-

islative and judicial power. We may be now on the verge of a period of great stresses. At any rate it is in order for somebody to take up the speculative side of the subject. Two facts are emerging. The courts are apparently about to resume with some degree of vigor their ancient rule-making powers, which will inure equally to their benefit and to the benefit of legislatures. While we have unremittently preached a separation of powers we have blindly accepted a legislative meddling with judicial procedure which has worked infinite mischief and has flatly contradicted our basic principle of government. The other probable change is to come from a remodeling of legislatures so that they may become measurably expert and responsible instead of unwieldy, irresponsible and bungling.

Both of these changes will tend to affect the center of gravity of sovereignty. The courts will acquire, presumably, added cohesion and power. But to offset this we will have for the first time in a century legislatures capable of pursuing policies consistently. In the past our safety has rested much of the time in the helplessness of legislatures with their swiftly changing personnel and absurd conditions of performance.

The prophecy may be offered that the expected developments will be wholesome to government. We need not dread judicial sovereignty when the courts are offset by effective legislatures. The conflicts of the past decade between these branches would have been decidedly different if the legislatures had been able to express their wills in clear-cut language and to react promptly and consistently against the narrowness of the bench. There would have been no movement for the recall of judges. A fairly competent and wieldy legislature need never fear judicial sovereignty, nor need any court fear such a legislature.

HERBERT HARLEY.



CIVIC BIOLOGY. By Clifton F. Hodge and Jean Dawson. X-381 p. Boston: Ginn and Company, 1918. \$1.60.

"We cannot control many of the forces of living nature by any amount of unco-ordinated individual effort, any more than we can turn back the ocean tides by haphazard sweeping with brooms," say the authors of this book in their preface. It follows, therefore, that the problem of civic biology "is to make it possible

for everyone to know what these forces are, for good or for ill, and to understand how to do his part for his own good and for that of the community." By such co-operative effort only can we hope to save the 500,000 lives sacrificed annually by preventable disease, or the several billions of dollars worth of foods and other property swept away by rats, insects, weeds and fungi.

After outlining the general plan for the course as a whole the book discusses the necessary equipment and apparatus and the books which should be included in the civic biology library. Succeeding chapters take up separately the various types of plants and animals which are of significance in the present connection. Among these are: birds, insects, trees, flowers, flies, mosquitoes, ants, spiders, ticks, rats, bacteria, fish, frogs, turtles, snakes, etc. Special chapters are devoted to bird study, tree study and civic forestry, home planting and landscape gardening; practical biology of agricultural production and civic utilization of land; insect control; rat problem; diseases of plants; civic problems relating to mollusks; practical laws of life, etc. The text throughout is illustrated with excellent photographs, problem summaries, statistical tables and diagrams.

The authors have admirably succeeded in their effort to weave into a synthetic whole the elements of natural science, biology, civics, and medicine which necessarily form the basis of their study. They have produced, in truth, a very new and interesting text-book which presents in striking fashion a large amount of information which students of times past certainly would not have mastered until the latter days of a university career. School children of to-day having knowledge presented to them in a form so interesting and so easy to assimilate, undoubtedly are fortunate to a degree unthought of in the past, and when "come to man's estate," they should be eminently fitted for this sort of community co-operation so earnestly advocated by the authors of this book.

DORSEY W. HYDE, JR.



THE ENGLISH VILLAGE: A LITERARY STUDY, 1750-1850. By Julia Patton. New York: The Macmillan Company, 1919. Pp. 236. \$1.50.

Although the title of this little volume conveys the impression that it deals with only a

single century of English community life, and particularly with village literature, the author has approached her subject in a broad way and has given us far more than the title indicates. The earlier chapters of the book deal with the mediæval English hamlet and its transition to the modern rural community, likewise with the relation of the village to the transformation of national life. Dr. Patton's studies in this field have carried her well into the realm of economic history, for the English agrarian movements of the past four or five centuries have profoundly affected village organization and activities. Later chapters are more distinctly concerned with the literature of the village, its place both in poetry and in prose; its appeal to Gray, Goldsmith, Wordsworth and Tennyson in verse; to Scott, Addison, Eliot and others in fiction.

On the political life of the village during this interesting period there is little or no comment. Village literature concerned itself very little, apparently, with village politics. Some interesting material on this topic can be found in Sidney and Beatrice Webb's monumental history of English local government (to which Dr. Patton refers in the index as "Webbe"), but the author's acquaintance with this data is evidently far from intimate. It seems strange, moreover, that anyone should write of English village life during the great period of the industrial revolution without doing homage to the works of Arnold Toynbee or Thorold Rogers. Nevertheless, the book is a welcome contribution to the literature of an interesting subject. It should be judged by what it contains, not by what it omits. The author's style is admirable and she displays throughout the volume a keen sense of the relative significance of things.

WILLIAM BENNETT MUNRO.



NATIONAL GOVERNMENTS AND THE WORLD WAR. By Frederic A. Ogg and Charles A. Beard. New York: The Macmillan Company, 1919. Pp. viii, 603. Price, \$2.50.

This work "deals mainly with comparative government and undertakes to show what the heritage and genius of the principal peoples lately engaged in the World War have meant in the shaping of contemporary political institutions." While the book furnishes interesting reading for the seeker after political knowledge, it is doubtless meant to serve as a text-book for college classes. It is divided into four parts

which treat of government in the United States (150 pages); governments of the Allied Nations (270 pages); government of the Teutonic states (120 pages); and the war and political reconstruction (37 pages). The names of the authors guarantee the excellence of the technique of the book and the soundness of its judgments. It will without doubt be widely used, and will help to root out the prejudice against the only sound way of studying political institutions, which is through a comparison of those which differ. Without comparison the only thing the student can do is memorize or reason *a priori*, neither of which processes offers the best educational results.

E. D.

THE AMERICAN YEAR BOOK. A RECORD OF EVENTS AND PROGRESS FOR 1918. Francis G. Wickware, Editor. New York: D. Appleton and Co. \$3.50 net.

This annual volume which is the ninth issue of the series maintains the high standards of previous years and in a number of ways surpasses them. The articles on the war and the war experiences of American communities are particularly interesting and suggestive. It is significant to note that notwithstanding the treatment of war questions that the editor has devoted substantially the same space to such questions as state, county and municipal government and social and economic problems. It will be recalled that this volume is edited with the co-operation of a supervisory board representing leading national societies, of which the National Municipal League is one.



THE NATION AT WAR. By James A. B. Scherer. George H. Doran & Co., New York. 285 pp.

Dr. Scherer, the president of Throop Polytechnic Institute at Pasadena, California, calls himself a "de-hyphenated American" and judging from the record, has made good on the description. As a speaker for the National Council of Defense he covered the country from coast to coast, coming into intimate contact with the people. His book is an intimate record of war preparations and the war spirit. It is a lively, fascinating, humorous narrative by one who is "more American than the Americans." It is quite likely that this generation is sated with the literature of the war. When the next generation wishes to reconstruct the picture of the

war preparations, there will be few records that will give the "atmosphere" of our times as does this book.

H. L. GILBERTSON.

THE NEW AMERICA. By Frank Dilmot. New York: The Macmillan Company. 145 pp.

The author, an Englishman, is a sympathetic and kindly but keen, honest and candid observer and critic of American life and manners; a good representative of the new attitude among Englishmen toward America, born of the war. There

seems to be behind it a good deal of the "get together" spirit expressed very delicately and in good taste and with simplicity and charm. Among the subjects treated are: "Food, Dress, Drink and Taxicabs," "The Written and the Spoken Word," "The American Woman," "What American Public Men are Really Like," "What Americans Think of the English," "Amusements" and "Some Contrasts" and "England Through a Telescope." It is a distinctly worth-while book for all those who care to "see ourselves as others see us."

H. S. G.

II. BOOKS RECEIVED

WHAT OF THE CITY? By Walter D. Moody. The Story of Chicago and Its Wonderful Plan. Chicago: A. C. McClurg Co., 1919. Pp. 441. \$2.50.

THE GOVERNMENT OF THE UNITED STATES. By William Bennett Munro, Ph.D., LL.B. New York: The Macmillan Company. Pp. 648. \$2.75.

THE LITTLE TOWN. Especially in Its Rural Relationships. By Harlan Paul Douglass. New York: The Macmillan Company. Pp. 258. \$1.50.

A PRIMER OF CIVICS. Designed for the Guidance of the Immigrant. By J. J. Zmrhal. Issued by the Society of the Colonial Dames of America, Chicago, 1918. Pp. 61. (English and Italian.) 25 cents.

COÖPERATION AND THE FUTURE OF INDUSTRY. By Leonard S. Woolf. New York: The Macmillan Company. Pp. 141. \$2.

DEMOCRACY AGAINST AUTOCRACY AND SOCIALISM. By George Wilson Teitsworth. Minneapolis, Minn.: Augsburg Publishing House. Pp. 122. 50 cents.

DEMOCRACY v. AUTOCRACY. By Karl Fredrick Geiser, Ph.D. New York: D. C. Heath and Company. Pp. 94.

EXPERTS IN CITY GOVERNMENT. By Edward A. Fitzpatrick. New York: D. Appleton and Company. Pp. 363. \$2.25.

FINANCING OF PUBLIC SERVICE CORPORATIONS.

By Milton B. Ignatius, LL.M. New York: The Ronald Press Co. 1918. Pp. 508.

ITALIAN WOMEN IN INDUSTRY. A Study of Conditions in New York City. By Louise C. Odencrantz. New York: Russell Sage Foundation, 1919. Pp. 345. \$1.50.

PORTS AND TERMINAL FACILITIES. By Roy S. MacElwee, Ph.D. New York: McGraw Hill Book Co., Inc. Pp. 315.

PRINCIPLES OF GOVERNMENT PURCHASING. By A. G. Thomas. Prepared under the Direction of Frederick A. Cleveland, Ph.D. Published for the Institute for Government Research. New York: D. Appleton and Company. Pp. 275. \$2.25.

HENRY ROSENBERG, 1824-1893. Commemorating His Gifts to Galveston. Galveston, Texas: Rosenberg Library. Pp. 226.

THE CITIZEN AND THE REPUBLIC. By James Albert Woodburn and Thomas Francis Moran. New York: Longmans Green and Company. Pp. 398. \$1.50.

THE EVE OF ELECTION. By John B. Howe. New York: The Macmillan Company. Pp. 283. \$1.25.

THE FARMER AND THE NEW DAY. By Kenyon L. Butterfield. New York: The Macmillan Company. Pp. 311. \$2.

THE FOOD CRISIS AND AMERICANISM. By William Stull. New York: The Macmillan Company. Pp. 135. \$1.25.

III. REVIEW OF REPORTS

County Government in North Carolina.—North Carolina is the one state where the county problem has been taken seriously. In some ways its counties lead the nation, notably in the scientific and up-to-date work in public health organization under Dr. W. S. Rankin, secretary of the North Carolina state board of health. Under the leadership of Dr. E. C. Branson of the state

university, the people of the state are getting a vision of what county government means and may be made to mean as a great agency of social welfare generally.

But, like leaders in every other state, Dr. Branson and his co-workers in the North Carolina club have long since found that the complex, antiquated *machinery* of county govern-

ment is a sad obstruction to the better ideals of county citizenship and public service. The club referred to, which is composed to older students at the university hailing from every corner of the state, is spreading the gospel of better county government through press service and personal influence in a way that should make for important results in a few years.

The Year Book of the club¹ is an important contribution to the scanty but growing literature on county government, and is of nearly as great interest beyond the borders of North Carolina as within the state. In the course of 27 short articles by different writers it covers most of the live and modern aspects of the county problem. Typical titles are: a township tax list study, the evolution of county health work, bridge building in North Carolina, county homes and outside relief in North Carolina, and the jungle of county government.

Counties in every state are in need of just such an examination as they are getting in North Carolina and everywhere county citizenship needs such devoted leadership.

H. S. GILBERTSON.



Problems of Peace.—The National Shawmut Bank of Boston has published a 44-page pamphlet of more than passing interest, under the title: "The problems of peace: a study of the essential needs of Massachusetts during the reconstruction period." It was written by the chairman of the bank's board of directors, William A. Gaston, who organized the government's war labor program for Massachusetts in

August, 1917. In a clear and straightforward fashion Mr. Gaston, on the basis of nearly a year's experience in this war work, sets forth the problems of labor, demobilization and industrial reconstruction. The principal topics treated are railroad transportation as it affects Boston, New England's interest in the United States merchant marine, taxation in Massachusetts, Americanization and the labor situation.



Municipal Legal Papers and Opinions.—The Investment Bankers Association of America has done a good thing in designating the United States mortgage and guarantee company of New York as its official depository for legal papers and attorneys' opinions. A great many valuable documents of a legal nature are prepared from time to time mainly dealing with the bond issues which have heretofore not been available. This action of the I. B. A. will accomplish this purpose.



Public Ownership Service.—Under this title the public ownership league of America, 1439 Unity building, is issuing a series of mimeographed reports dealing with utility questions which are highly interesting and illuminating. Among the subjects treated are: advantages of public wire systems; 'phone and telegraph service to be universal; public ownership sweeping the world.



The Municipal Review is the title of a new monthly publication issued from Vancouver, B. C., under the editorship of Henry Lewis, the founder and former editor of *Western Municipal News*. It is devoted to a discussion of municipal, political and educational questions.

¹"County government and county affairs in North Carolina," North Carolina Club Year Book, 1917-1918, published as Bulletin 159 of the University of North Carolina, Chapel Hill, N. C. 188 p.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

National Municipal League Model Charter Almost Adopted at Fresno.—Curious charter mixture has occurred in Fresno, California, and is explained as follows by Chester H. Rowell, editor of the *Fresno Republic*, and for several years vice-president of the National Municipal League:

Our charter freeholders, after debating the matter for some time, reached the practically unanimous decision that they wanted a city manager charter with an appointive city manager, and they turned over the drafting of the charter to a small sub-committee, of which O. W. Warner was chairman. Mr. Warner took your model charter as his model and made a few changes and additions to meet local Fresno conditions, all of which I think have met with general approval. He was not a lawyer, however, and the lawyer member of his committee was busily engaged in running for Congress. So Mr. Warner made the blunder of not copying into his charter the provisions suggested in fine print in the appendix as necessary in a state which did not have certain provisions in its state constitution. The charter was approved by the freeholders, and presented to the city trustees. It was then placed on the ballot at the general election by the county clerk. The only formality for placing it on the ballot was that the city clerk personally handed it to the county clerk. The charter was passed by popular vote without much discussion and then, when it was too late, questions of its validity were raised. A bar association committee unanimously reported that the omission of all formalities in getting the charter on the ballot vitiated the election and that legally no election had been held and the charter had never been adopted.

I do not think that opinion was correct, but at least the lawyers were unanimous in it and there was a fear that, if we should establish a city government under the new charter and disestablish the old government, and the courts should subsequently hold that the new charter had never been adopted, we might be left without any government, any taxes, any revenues or any valid obligation to pay such bonds as we might have issued.

Our representatives in the legislature were up against the precedent of the legislature that all charters are ratified without question. If the charter was presented to the legislature, even if our three assemblymen asked for its rejection, it would nevertheless have been ratified. The question of the validity of the election itself,

however, they regarded as too serious to be risked. They, therefore, accepted the opinion of the bar association committee that no election had been held, and did not even introduce the charter into the legislature. This leaves us as if nothing had happened, and we have the whole job to do over again, with no session of the legislature for two years to ratify it.

The Cleveland Terminal Question.—On January 6 the voters of Cleveland by a 3 to 2 decision ratified the Union Station franchise ordinance. At the same time \$2,500,000 in deficiency bonds received a two-thirds vote. The election brought out about 50,000 votes, a showing of unusual interest for a special election.

To understand the station vote, several facts must be taken into consideration: 1. Cleveland has waited for a station for many years. 2. The agreement with three roads to build a station at the head of the mall was not enforced during the war. 3. The rapid transit question is becoming acute. 4. The idea of a union station for all steam and interurban roads is popular. 5. The public square site had two appeals—public convenience and also a civic improvement. 6. The pictures and advertising used by the company emphasized the matter of location. The man on the street said the square was the proper place for the public convenience.

The ordinance was introduced into council in September, 1918, as an initiated ordinance. The charter provides that franchises should be drawn by the city council and then submitted to popular vote. The station promoters, to facilitate and hurry matters, chose to hold the whip hand, make the council ratify or reject within a few weeks and then take the question to the people in either event. Council, in the short time allowed, managed to formulate some amendments and to save these and prevent the original ordinance from going on the ballot voted for the franchise under the thirty day rule of the charter. The stenographic record gives ample evidence of the council's dilemma. Constituents wanted a station; so did council; the contract was unsatisfactory but it seemed likely that the people would approve it; the administration urged

its passage. The council, therefore, got what it could for the city and passed the ordinance.

The franchise as originally agreed upon by the council and the company provided in brief: 1. That the lake front provisions of the old station ordinance remain practically intact. This the New York Central demanded for it had promised a station at the head of the mall fronting the lake in return for certain water front rights on Lake Erie. The lake front question had no bearing on the public square station, except as it affected the railroads under the old grant. 2. Vacation of some twenty-nine acres of public streets from the square southwest into "the flats." 3. Implied rapid transit rights without effective city control. 4. Electrification of passenger trains within five years after completion of the station. 5. Terminals company to be judge of who should use station and under what terms. The city is not a party to any such agreements. 6. Rates and rentals not subject to city supervision. No filing of accounts with the city.

Some weeks before the election opposition to the franchise developed among various civic organizations and citizen groups. 1. The engineering society declared that the franchise jeopardized the future rapid transit interests of the city. 2. The Cleveland chapter of the American Institute of Architects reported that the city should not give up the mall station plan in favor of the new scheme. 3. The group plan commission believed that this new program would take the heart out of Cleveland's mall plan. 4. The civic league reported that the franchise did not properly protect the city's rights, that it created a virtual transportation monopoly, and under it no station was guaranteed. 5. Students of the lake front situation insisted that the city was giving away harbor rights the value of which are incalculable. 6. Several organizations insisted that the project would make for further congestion of an already overcrowded public square.

From the groups a citizens' committee was organized to fight ratification of the franchise. It spent some \$3,000 in advertising and publicity. The terminals company, according to its filed statement of expenses, spent \$25,000 in election expenses. *The Plain Dealer* and *The News* supported the franchise and *The Press* urged its defeat. The result of the election was a surprise for it was confidently predicted that the ordinance would carry by a 3 or 4 to 1 vote for the

popular appeal was tremendous and the voters wanted a station.

The opposition by its stand brought about the proposal of the company to the council that an amendatory ordinance be agreed to. The company insisted that these amendments met all objections that had been raised to the terms of the franchise.

Council passed these amendments and they are now a part of the ordinance. Thus it happened that the voters were asked at the election to vote on a contract which the council agreed to change immediately. Members of the council are now asking that a provision be written into the charter which will make it impossible in the future to initiate a franchise by petition. They insist that this method gives the proponents the whip hand, and the council is thus forced to acquiesce against its judgment. The charter also limits the time within which council may consider an initiated ordinance.

The Cleveland experience of the last few months should be of value to other cities which are working on terminal problems.

It would seem to be the imperative duty of a city administration to get all the facts that an adequate and unbiased investigation can turn up before any terminal project is submitted for ratification. The relative merits of a one station plan and a two or three station scheme are by no means undebatable. High terminal costs are an important factor in the cost of transportation. Location of a station in the congested business district for convenience's sake may easily be a delusion. Retail business and hotel enterprises do not hesitate to move away from crowded districts. A single generation may easily relocate the business center of a city.

There is an apparent need for some crystallization of our best thought upon this terminal question. We must solve it in the interest of the whole public without reference to the interest of private business and industrial groups which may have a good deal at stake.

C. A. DYKSTRA.

Cleveland, O.



County Home Rule in Maryland.—At the general election in November, 1915, the constitution of Maryland was amended by the adoption of an article providing that the city of Baltimore or any county of the state might obtain a home-rule charter by complying with the terms

of the article and the supplementary act of the General Assembly. Judged wholly by its length, this article might very well have formed a part of the constitution of Oklahoma. Wisely, perhaps, very little is left to the discretion of the state legislature.

The article provides that on demand of the mayor and council of Baltimore, or on petition of not less than 20 per cent of the registered voters of that city or of any county, the board of election supervisors shall provide for the election of a charter board at the next succeeding general election. Provision is made in the article itself for the nomination of candidates. This board, when elected, is required to draft a charter for submission to the voters at the next ensuing general election. Baltimore availed itself of the privileges of this new article last November when it adopted a home-rule charter.

Section 2 of the amendment requires the General Assembly to provide by public law a grant of "express powers" for any county or counties that may adopt a charter under this article. Such a law was enacted April 10, 1918, to take effect June 1, 1918. Very broad and general powers, both legislative and administrative, are granted with respect to most subjects of local concern and interest.

Up to the present time (March, 1919) no county has secured a charter under the new constitutional provision. In at least three counties, however, effort is being made to formulate public opinion favorable to the new system. To this end, public meetings, addressed by men who have fostered the measure from the beginning, have been held in a number of cities and districts. The movement is more advanced in Baltimore county than in any other. It is the belief of some that the proposal finds unusual support in this county because of the very recent loss of a portion of its territory by annexation to Baltimore city. This, however, is a misapprehension for the state courts have recently held that the matter of territorial distribution or subdivision rests exclusively with the General Assembly.

The motive lying back of the home-rule measure was not dissimilar from that in other states where such legislation has been secured. The uniform, inelastic, public local laws of Maryland, like those of many states, have hampered, quite as often as they have helped, the conduct of local public business. This condition has been aggravated by the wide diversity in the

nature of that business incident to the differences in the size, population, industry and general conditions in the respective counties. Furthermore, it has been found that the short, biennial sessions of the General Assembly must be devoted almost wholly to matters of purely local interest, at the expense of more important matters; or else the consideration of the latter would render impossible any adequate consideration of the former.

There is evidence that the return to normal conditions will bring a renewed interest in the important matter of securing better local government.

W. L. WANLASS.

Johns Hopkins University.



Teaching Housing in the Schools.—The problem of teaching tenants to live properly in their homes, to know the value of light and air, to have proper regard for the owner's property, to understand how to utilize and not abuse sanitary conveniences and to take care of public parts of buildings used in common by several families, is one of the most perplexing problems confronting the housing worker. Much has been done in several cities by the use of the visiting housekeepers who go into the homes to teach mothers the essentials of good housekeeping. That plan has worked successfully. There is no doubt, however, that the greatest hope of teaching proper housekeeping methods lies in reaching the children through the public schools. Their minds are more plastic. They are constantly imbibing American habits and American standards of living. They naturally aspire to better things.

The Cincinnati better housing league has with the cordial support of the superintendent of public schools put into effect a plan for teaching children the essentials of good housing. It gives promise of being highly successful. For the present the plan is being used only in schools in tenement districts for the greatest need is there. The plan is as follows: The secretary gives a brief and snappy talk to a general assembly of the pupils of the sixth, seventh and eighth grades, touching only on the simple principles that the children can grasp, urging each one to constitute himself a junior sanitary police to watch over the cleanliness of the house he lives in, emphasizing the essentials of the right kind of home. The talks are made lively and

interesting by asking the children questions and getting them to tell how they can help to keep their homes right, to prevent fires and the like. In one school at the end of the secretary's lecture the children did the questioning. They showed that they had received intelligent instruction from their teachers by asking questions that one might well expect to hear at a housing conference. Among the questions asked were "Who pays for the work done by the better housing league?" "What men in Cincinnati are interested in it?" "In what country did the better housing movement start?"

At the first civic lesson following the talk in the school the eighth grade devotes the entire lesson to the study of the league's educational pamphlet "Health, Home and Happiness." The teacher then asks the pupils to write an essay on the proper care of the home. The best five essays are selected by the teacher and sent to the league which awards for the best essay a certificate reading—

This is to certify that.....
submitted the best and most original essay on
The Proper Care of the Home in an essay competition among the members of the Civic and Vocational League Club of the

.....school.
Awarded by the BETTER HOUSING LEAGUE.
Date.....

The first essay to be awarded the certificate, considering that it was written by an eighth grade pupil, showed a remarkably clear understanding of the subject. "Looking back," says the little girl, "we find that the more civilized and educated the people are the better the housing conditions. Therefore, we, the people of the United States, should have sanitary and clean homes especially if we wish to rank as a leading nation. . . . For it is the same with the human body as with a plant. Put it in a light, airy and clean place and it thrives, but put it in a dark, musty place and you soon have a drooping, sickly specimen. If a plant is worthy of care and attention how much more so is the growing child that will be the future citizen?"

BLEECKER MARQUETTE,
804 Neave Building, Cincinnati, Ohio.

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The City Planning Standards of the United States Housing Corporation.—A visit by members of the American City Planning Institute to Camden, New Jersey, called Yorkshire Village and to Chester, Philadelphia, called Buckman

Village, Sun Village and Sun Hill, and to the Oregon Avenue development by the United States housing corporation, featured the meetings of the institute at Philadelphia on January 26 and 27. The discussions which followed the visit emphasized the fact that two abnormal features which accompanied the government's activities make it difficult to estimate definitely what town planning has gained from the government's experiences.

These two elements are the war time cost and the unusual degree of speed required. Some of the special lessons which have accrued from the past year's experience are as follows: First: The difficulty of getting good topographical surveys upon which to base the general town planning scheme. Second: The importance of street planning and the preparation of grading plans not only for the streets but also for the lots. Third: The relation of the location of sidewalks to the location of the curb. Fourth: The disadvantage and advantage of alleys. Fifth: The importance of the selection of the locations for poles and wires. Sixth: The value of proper location, size and character of school sites.

The differences in the organization and methods used by the emergency fleet corporation and by the United States housing corporation were revealed by the statements of the chief town planners of these two organizations, B. A. Haldeman, and Frederick Law Olmstead. Whereas the housing division of the emergency fleet corporation co-operated with local real estate companies or other local bodies, the United States housing corporation conducted its projects independently. The plan of Yorkshire Village at Camden, New Jersey, the largest housing and town planning project of the government which is being constructed under the direction of the emergency fleet corporation received special attention. English war housing experiences also received considerable attention at one of the evening sessions.

JOHN NOLEN.

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Constitutional Revision and County Government in Pennsylvania.—Coincident with the call of the governor for a commission to study the need for constitutional revision in Pennsylvania, a People's association is being organized throughout the state to promote popular interest in a new constitution and more efficient state, county and local government. The new organi-

zation was formally launched at a dinner in Philadelphia on March 25, attended by delegations from a dozen counties as guests of the People's association of Delaware county which is actively promoting the project.

The association is forming along strict non-partisan lines and is representative of all elements and groups in the state. The League of third class cities, the Pennsylvania borough association, the State federation of labor and the Grange, as well as numerous local civic bodies, are co-operating with it. Committees will be formed in each county to study local needs and to lead discussion in constitutional questions. A general meeting of delegates of the county units will convene early in May at which time a state headquarters will be established and permanent officers of the association chosen.

The present constitution of Pennsylvania was drafted in 1873. Inasmuch as it is extremely difficult of amendment it is to-day an antiquated document, and is thought by many to need a thorough overhauling. Provisions demanding special attention are those establishing certain constitutional officers, both state and local; also those prohibiting proper classification of counties and cities for legislative purposes, and unduly limiting the taxing and borrowing power of municipalities. Greater home rule for local units and improved assessment methods are desired.

The People's association will work for a flexible constitution which it will strive to supplement by constructive legislation to give Pennsylvania a system of government in line with modern standards. H. W. Dodds, 36th and Woodland avenue, Philadelphia, is general secretary of the association.



Training for Specific Public Service.—The need for training for specific public service has received recognition in an interesting way in California, where the league of municipalities in co-operation with the University of California has inaugurated a correspondence course for city clerks. R. E. Bosshard, city clerk of Alameda, says, in *Pacific Municipalities*—"Men and women step out of private life into this public office quite frequently totally unprepared to assume the duties. Some months pass during which the clerk serves his apprenticeship and as succeeding months go by, he becomes more proficient, until at the end of his term he is thoroughly familiar with his duties. Then

comes a change with the recurrence of the same conditions." The league hopes to raise the standard of the qualifications for the position from those of a purely political office to one at least semi-professional in its nature. The course of study is divided into the following headings: Types of modern communities and their development; knowledge of inter-relationship between (a) city and county, (b) city and state, (c) city and the United States; organization of municipalities; registration of voters; conduct of election; kinds of elections; budget making; assessments; record keeping; procedure for public improvements; accounting.

The league of municipalities proposes to introduce in the next legislature, a bill requiring as a qualification for this position the holding of a certificate showing that the individual has completed the course.



Municipal Landing Place for Land Planes and Sea Planes Favored.—It is well known that extensive plans are under way for the development of aviation for sport, governmental and commercial purposes. The war has trained many thousands of men in the use of the airplane and provided this country with many thousands of machines and large, well-equipped aircraft factories. A large part of this immense equipment and personnel is being turned to peace purposes. It will only be a short time until transportation through the air will become a most useful factor in our business affairs. It is essential in the development of commercial aviation that landing places be provided close to the business district in our leading cities. A number of cities have already taken steps to assist or establish such municipal airdromes. Your committee believes similar action should be taken by this city. The city no doubt already owns property available for temporary if not a permanent landing place for aviators. Your committee accordingly offers for adoption the following resolution:

Resolved, That the chamber of commerce of the state of New York recommends that the appropriate city authorities investigate the advisability of the city establishing a municipal airdrome for land planes and sea planes, suitably located and equipped to meet the needs of aviation for commercial purposes and general travel through the air.

¹ The substance of a report to the Chamber of Commerce of New York.

German Municipal Efficiency continues even in these unsettled post-war times. Colonel Henry M. Waite, the former city manager of Dayton was with the army of occupation in Germany. He was assigned to deal with German municipal authorities and incidentally was one of the few Americans who reached the Rhine before the German armies left. Having in view the fact that German cities had for years been administrated by professional chief administrators like himself, he was interested in putting them through their paces. He brings back this report:

The German municipal authorities were extraordinarily efficient. They often gave us in a single day data which we requested and which we assumed would take weeks to compile. They had their facts always on tap and knew far more about the condition of their people than American municipal officials usually consider within the scope of their interests. Beyond all doubt the German mayor knows his job.

But the Germans don't have the city-manager plan. The resemblance is utterly superficial. The whole democratic spirit of our manager cities is missing. I talked with labor radicals, and apparently they had not even thought of the idea of electing friendly councilmen under the new democratic régime, and thereby keeping the magistrate under continuous and flexible control. They took it for granted that the administrators would do whatever they pleased. A government that would obey the rank and file of the people was a curious idea to them.



Chicago's \$18,000 Superintendent of Education.—Charles E. Chadsey, superintendent of the Detroit schools, has been elected superintendent of the Chicago schools for a four-year term. This action was taken, according to the Chicago city club, upon the recommendation of a citizens' commission, of which Charles L. Hutchinson was chairman, appointed by the board of education. Prior to the election of Mr. Chadsey, President Mead of the club, acting upon the instruction of the directors, sent a letter to the president of the board, urging the acceptance of the recommendation of the advisory commission. The ground for this action was found in the character of the expert advice which the citizens' commission had sought in making their recommendation. In this letter President Mead said: "The directors of the club in 1915 urged upon the board of education a method of selecting a superintendent of schools through the recommendation of trained educationists of national standing, and now that the board of

education has at its disposal such competent impartial advice as is evidenced in the report of the citizens' commission, showing the list of those consulted, the board should in our opinion act favorably upon it, both to secure a competent superintendent of schools and to give wider currency to the method of selecting technical servants of the public through nomination by disinterested persons who are recognized as experts in their calling." Mr. Chadsey's salary will be \$18,000.



Proportional Representation Progress.—The fact that all parties in *Sligo* secured their fair share of the seats to be filled, elected their leading men and were satisfied with the result—a surprising outcome for the Ireland of to-day—naturally suggested the extension of the system to other Irish communities. On February 25, when a deputation representing the municipal association of Ireland waited upon the Irish secretary, Jan MacPherson, and asked for the government's views on the subject, he replied: "We have come to the conclusion that we should extend the principle of proportional representation to all local elections. We are having a bill drafted at the present moment to secure this, and we hope that it may be passed through the Houses of Parliament in time for the local elections that are approaching."

In *Calgary, Alberta*, the recent municipal elections were carried out under the Hare system, this being the second time it was used here.

Showing the trend of feeling in *Ashtabula*, a number of leading citizens who opposed the introduction of the Hare system have recently declared in its favor. These included the presidents of a number of corporations and of the chamber of commerce, the city manager and the superintendent of schools.



City Manager Notes.—*Suffolk, Va.*, has adopted the commission manager form of charter by a four to one vote. It becomes effective December 1, 1920. E. O. Heinrich, the city manager of *Boulder, Colo.*,¹ has resigned to accept a call to the chair of criminology in the University of California. He will also take over the practice of the late Theodore Kitka, an expert in that field. *Lapeer, Mich.*, adopted the form by a vote three to one, the charter becoming effective April 15. The city manager form

¹ See NATIONAL MUNICIPAL REVIEW, vol. vii, p. 217.

is under consideration among the larger cities Chicago and San Francisco and in Carlisle, Pa.; Lima, Ohio; Brookfield and Waukegan, Ill.; Bozeman, Mont., and Ada, Okla. Indiana and New Hampshire state wide permissive city manager bills have been defeated. *Waterville, Me.*, failed to get its special charter bill through and the *Coshocton, Ohio*, voters defeated a city manager charter by a majority of 33.



Hays, Kansas, has adopted the commission-manager form of government as the result of some local activities led by the chamber of commerce with the co-operation of the new secretary of the League of Kansas Municipalities, A. A. Long. Hays is the fourth city to take advantage of the right to adopt this form of government. The plan has been in operation for two years in Wichita, El Dorado, and Augusta. Any city in the state may adopt the plan by a majority of voters voting at election for that purpose.



The Pennsylvania State Bureau of Municipalities by an act of assembly has been reorganized and its powers very greatly increased. In addition to making available and disseminating data, statistical information and advice that may be helpful in improving the methods of administration and municipal development in the several municipalities of the state and maintaining publicity service, it is now authorized to install and establish modern systems of accounting and to promote comprehensive plans or series of plans for the probable future requirements of the cities, boroughs and townships of the commonwealth either separately or jointly in respect to a system of traffic thoroughfare and other highways or main highways, transportation of every sort suitably co-ordinated, sites for public buildings, parks, parkways, playgrounds and other public uses, the preservation of natural and historic features and any and all public improvements tending to the advantage of municipalities or townships affected as a place of business and residence.

J. Herman Knisely will continue as chief of the bureau and B. A. Halderman of Philadelphia will be made consulting town planner.



Seattle's Municipal Railways.—The supreme court of Washington having confirmed the legality and constitutionality of various steps taken in the transfer of the Puget Sound light and

power company to the city of Seattle, the actual transfer of the properties was effected at 12 o'clock, midnight, March 31. The superintendent of public utilities stated that his first plans for operation involved the physical connection between the city and traction lines, eliminating duplication of service, establishing express or limited service from outlying districts to industrial districts, adoption of traffic regulation, eliminating present congestion of downtown streets due materially to parking of automobiles, the installing of a skip-stop system and the introduction of one man cars wherever practical. In addition to a campaign of power service and speeding up of service there will be a general elimination of street car tickets making the nickel the standard and only fare except for school children and the elimination of free riding of every sort. Plans for establishing safety zones and the more rapid loading and unloading of passengers are also being worked out.



Seattle Defeats Municipal Pension Scheme by a decisive vote, probably on the general merits of a pension to civil service employees. The recent strike according to a correspondent opened the eyes of many citizens to the results of the organization of the civil service employees, some of whom went on a strike. The unpopularity of such a movement undoubtedly aided materially in the defeat of the scheme. The voters also defeated the proposition to increase the salaries of city councilmen from \$3,000 to \$4,800. A series of amendments to remove useless provisions was carried by a bare majority. Sundry bond issues were defeated because the people were in no mood to spend money.

Another correspondent writes as follows:

I have to report that the traction purchase has been consummated and Seattle is now engaged in operating all of the street car lines in the city, except one, which, because of the topography of the country, has a monopoly of the transportation in the Rainier Valley. That line claims to be losing money, and is anxious to sell to the city. The only other exception to the city ownership is of the interurban lines, which are still owned and operated by the Puget Sound company.

One of the first things which the superintendent of public utilities did when the lines were taken over was to arrange for an increase of wages to the men. I do not believe the matter has yet been entirely adjusted. He claimed that a considerable portion of the increase would be taken care of by a reduction in the number of higher officials, but, even with that saving, the

increased wage scale meant an increased expenditure of \$15,000.00 a month, on his own showing.

Requests have already come in to the city council for extensions of the lines. A request has been presented by the residents of West Seattle for the institution of a transfer system between the lines and the ferry, and a controversy has arisen between the police department and the public utilities department because the latter will no longer permit the policemen to ride free of charge. The superintendent maintains that if the city council decides as a matter of policy that the policemen should ride free, then the city council should make a definite appropriation to the police department for that

purpose, in which case the police department would reimburse the public utilities department for the fares. In this I think the superintendent is quite correct.

The elevated line which was being built by the city to connect with the shipyards and West Seattle is not yet completed. The original estimates fell far below the cost and it is now estimated that \$175,000.00 more will be needed to provide for the approaches. It seems quite curious that an elevated line should be planned for and erected without proper plans and estimates for the approaches thereto, but, according to the statements of the mayor, this was apparently done in this instance.

II. POLITICS

Chicago's Extraordinary Election.—William Hale Thompson was re-elected mayor of Chicago on April 1 in a plurality of 18,000. This result is so extraordinary that one is almost inclined to feel that it is an April first joke. It was surprising enough that Mayor Thompson should have gotten more votes than his opponents for the Republican nomination, Judge Olson and Captain Charles E. Merriman together at the primaries, in spite of the fact that his administration is generally regarded as the worst the city has had in 25 years and that his attitude in the early part of the war was calculated to cultivate pro-German sentiment. Mr. Sweitzer, Roger Sullivan's candidate for the Democrats, won hands down in the Democratic primaries, so the candidates of four years ago faced each other again. In addition to these two candidates there were labor and socialists candidates and Mr. MacLay Hoyne, state attorney, ran as an independent Democrat. One of our Chicago correspondents, to whom we wrote, replied as follows:

You ask me how I feel about the results of last Tuesday. I feel ill; they are not only extraordinary,—they are actually catastrophic. I would not have said this about any other mayoralty election in the last 30 years,—bad as some of them have been. I do not know any adequate explanation. A principal factor was the perfectly extraordinary diligence and skill with which a purely self-seeking organization has been built up for over a period of four years. There has been much more than the usual lack of scruple in the means in which the organization has been created. Another factor is the perfectly appalling demagoguery which invented every conceivable lie and trotted out every imaginable "bunk" and shamelessly reiterated with no concern whatever for exposure or disproof.

Fortunately the city council still holds fast,

but the Thompson organization and the Hearst newspapers are now carrying on a persistent campaign to disrupt the non-partisan organization of the council, and capture enough of its members to control the council. They are not succeeding this year, I think, but with the four years' term for mayor, there is no telling what will happen the next year, or the next.

William L. Chanery, one of the most intelligent journalists of that city contributes an article on Chicago "Politics" in *The New Republic* of March 15 in which he seeks to give the reasons for this very remarkable result.

Developments will be watched with extreme interest, but Chicago seems to have done what it has done with its eyes open.

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Progress in Grand Rapids.—The Grand Rapids citizens' league was so successful in its campaign for city commissioners that its three candidates were elected at the primary. In other words, they received a majority of the votes, so it was not necessary for them to stand for election. The league had three good men to support and by a fortunate coincidence each one had been christened with the good old name of John, so the league adopted the slogan—"The Three Johns." Inasmuch as they were men of excellent reputation and capacity, they succeeded against the candidates of the former political boss, who was hopelessly submerged, for the time being at least. One of his candidates who caused the hardest fight was a lieutenant who had fought at Chateau Thierry, but as he was a man without any previous business experience, and as the league has always maintained that the city demanded men of business experience and judgment, he was accordingly opposed, and the voters backed up the conten-

tion. There was an excellent organization among the new women voters, which contributed to the results.

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Baltimore Democrats Defeat Mayor Preston for Renomination.—I am glad to tell you that the result of the Democratic primaries is a decided victory for the merit system and good government generally. It eliminates the present mayor as his own possible successor and leaves both the candidates for the office pledged unequivocally to carry out in letter and spirit the merit system provisions of the new charter. Mayor Preston was equivocal in his answer to the interrogatory propounded to him on this subject by the Maryland association and his "spoils" principles, or rather lack of principle, was a secret to no one. A very discouraging feature of the canvass was the large number of respectable people who overlooked his moral delinquencies because of his supposed activity in promoting the material advancement and advertisement of the city. This fact renders his defeat in the primaries all the more satisfactory, because it shows these backsliding reformers that public opinion is more constant than they have ever shown themselves to be.¹

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The Redemption of East St. Louis.—At the primaries held on February 25, the whole ticket selected by the "new era" executive committee defeated the members of the former bipartisan political organizations as well as all encumbered municipal officials. This committee is an association of progressive citizens which is standardizing good government and ideals of advancement. The election on April 1 confirmed the results of the primary.

Concerning the situation in East St. Louis, F. C. Butler, who had been active in organizing the community services of that city during war times writes that "the executive committee is composed of able people and I am sincerely hopeful that all that we expected of the work there will come about. Community centers are being opened both by the committee and under private organizations, several very important studies have been undertaken and the work seems to be progressing favorably. At the end of the year we will undoubtedly issue a statement in regard to the work that has been

accomplished. Probably no more hopeless situation can have been imagined than that which existed in East St. Louis when this work was undertaken and consequently we are giving civic co-operation the hardest possible nut to crack." This is the outside view. Here is the inside view: "Considerable misimpressions have been created all over the country regarding East St. Louis, as a consequence of the race riot. The whole truth is that the situation here has been identical with that which prevailed in St. Louis, Philadelphia, San Francisco under boss rule, maladministration and graft. The fact that a riot could happen was not due to any fault of the community, but to municipal inefficiency resulting from misrule and bipartisan gang politics."

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Youngstown's Resigning Councilmen.—Five councilmen of Youngstown, Ohio, have resigned their seats. They with two others were indicted for accepting a bribe for their support of proposed municipal¹ legislation. Two were convicted and five escaped on a technicality. The two who were sentenced to the penitentiary have not yet gone to that institution, but it is understood they have confessed and added enough information to that already in the hands of the prosecuting attorney to put him in a position to demand the resignation of the other five. Whether this inference is warranted by the facts, all the people know is, that the resignations came without warning and in the words of our correspondent "that the explanations offered did not explain."

✱

Detroit's Interesting Election.—A Detroit correspondent thus writes about the results of the election on April 7:

If you question the sanity of metropolitan democracy when recently Detroit voted to have eastern, central and sun time all at once, you will be interested in the returns from our election of April 7. Never before in my experience has democracy been so discriminative in intelligence as in this instance. The uppermost question was the purchase of the street railway system. An agreement to purchase was defeated, receiving considerably less than the majority vote, instead of the 60 per cent vote necessary. This was in spite of the fact that Detroit has twice overwhelmingly voted for municipal ownership and the present charter compels the city government to acquire municipal railways. The opposition has two arguments: That the price

¹ The above is from a private letter from the Hon. Charles J. Bonaparte, who at our request had consented to its publication.

¹ See NATIONAL MUNICIPAL REVIEW, vol. vii, p. 429.

was too high, and that new methods of transportation would shortly supersede the present electric plan. Possibly the latter argument was more effective.

It is of particular interest that the voters defeated a charter amendment permitting the street railway purchase agreement, as well as the agreement itself. To do this it was necessary for the voters to review nine local propositions and vote down one which was only corollary to the purchase agreement.

It is possible that the public was not opposed to some form of municipal ownership, because it favored another proposition—to issue public utility bonds for street railways purposes.

Confidence in the present administration, and a willingness to spend money was indicated by a two to one vote in favor of a \$3,000,000 bridge (already twice defeated) and by a substantial majority in favor of issuing \$10,000,000 of park and playground bonds.

Detroit followed recent procedure in going substantially wet. Approximately 25 per cent of the voters changed their mind since the last election. This was doubtless due to the effects of the Webb act and the Bone Dry Michigan law. This latter legislation was most offensive, making the mere possession of liquor a felony. Had the wet amendment to the constitution been any other than a tricky proposition to legalize all intoxicants, except distilled liquors, and with limited regulation, doubtless many thousands of additional wet votes would have been cast.

In choosing personnel practically all the old time politicians went into the "scrap heap." Even in a three-cornered fight an unsatisfactory police justice lost out to a "reformer."

Two women ran against two men for the school board and were beaten. The margin, however, was narrow.

There are no available figures as to the number of women who voted, but the number could have been only slightly less than the number of men. They took considerable time in the voting booths, but I think are responsible for a considerable dry vote and doubtless favored reform in the police court.



Milwaukee Defeats the Socialists.—The election of April 1 in Milwaukee represents probably the most bitterly fought school board and judicial contest which Milwaukee has ever witnessed. As a rule comparatively little interest has been taken in these off-year elections. This time, however, with complete Socialist Party control of the school board threatening, as well as considerable likelihood that the bench as well would come under party jurisdiction, the people were aroused in a manner which has never before been possible. The result was a vote which smashed all records for similar elections and resulted in a sweeping victory for the anti-Socialist ticket supported by the citizens of all

groups. The school board candidates ran generally from 10 to 13 thousand majority over their Socialist opponents. In the judicial campaign the fight on one of the judges was rather closer, a bare 2,000 votes separating the closest contestants.

Several outstanding facts regarding the election are noted:

1. It was the first election in many years in which the Socialists suffered a complete defeat, losing every contest.
2. The largest vote ever cast in a judicial and school election was cast.
3. The voters' league recommendations for school officers, carried real weight, while the teachers' association slate was badly beaten.
4. A new force in local politics entered the field in the shape of the good government league, composed of patriotic and progressive business and professional men.

While much of the recent strength of the Socialist vote is admittedly traceable to the war and represents largely a protest vote against policies both local and of the federal government, this same friction aroused the other forces, particularly the women, who vote in school elections, and whose active work in the campaign was largely responsible for the non-partisan victory.

In the opinion of a great many, the campaign illustrates the need of some strong progressive organization around which the local forces of good government can rally for a campaign. A start toward this has been provided by the organizers of the new good government league.

Milwaukee has been unfortunate, or fortunate, whichever way the observer cares to view it, in having had two extreme social and political viewpoints,—the radical represented by the Socialist organization, and the conservative policy supported by loosely co-operating anti-socialist politicians. The progressive or liberal element, which in most cities has taken the lead in civic and public affairs, has constituted politically a very small minority in Milwaukee. The league is the first attempt at "fusion" under liberal leadership.

In the school election the Socialist vote showed a gain of some 90 per cent against the non-partisan gain of 70 per cent. Of over 90,000 male voters registered, but 50,000 voted.

WILLIS POLLOCK.



Seattle Re-elects Councilmen.—A clean-cut fight was waged in connection with the

election to the city council. Organized labor put three candidates into the field for the three positions and backed them solidly. The three incumbents joined forces. The conservative forces did some very quiet but effective work in the way of getting out the vote. The *Labor Union Record*, a very radical paper that had supported the strike, and generally very unpopular outside of labor circles, came out with an editorial in which it said that the political welfare committee of the central labor council had investigated the three labor candidates and had been satisfied that they would represent labor in the council and always act according to its direction. This editorial was used effectively. The municipal league passed strong resolutions condemning the candidacy of any men so bound in advance to accept the dictation of any organized group. The result was that the labor ticket was defeated by majorities ranging from 6,000 to 8,000.

Looking at the situation impartially, one cannot close one's eyes to the fact that labor domination of the political affairs in this city is not unlikely in the near future. Their candidates in this instance were running under very considerable handicaps. Their opponents were the three incumbents with all the advantage of being in. In addition to that, the three men

were unusually strong men and well known. R. H. Thomson had been for more than twenty years city engineer and responsible for much of the development of this city. William Hickman Moore, another candidate, was a former judge of the superior court, a former mayor of Seattle and a former member of the state legislature. Mr. Fitzgerald, the third, had been chairman of the finance committee and a member of the council for the past six years. More than that, the labor candidates were all regarded as tainted with un-Americanism, with perhaps one exception. In fact, Mr. Gallant, one of the candidates, was actually under arrest charged with criminal anarchy. In spite of all these handicaps the labor ticket drew a surprisingly large vote.

It should be said, however, that the total vote was but a small fraction of what it ought to have been in so large a city, as many people had disfranchised themselves by failure to register. The conservative faction was more thoroughly aroused than at any time in my memory. The slogan, very cleverly phrased under the circumstances, was "Shall the Seat of the City Government Remain at the City Hall?" Unlike many slogans, this represented pretty accurately the real issue.

FRED W. CATLETT.

III. JUDICIAL DECISIONS

Paving Intersections.—In *South Park Commissioners v. Chicago City Railway Company*,¹ the Illinois supreme court decided that a city and a city park board cannot exercise power in the same territory over the same subject at the same time and that where a street railway company upon obtaining its franchise obligated itself to a park board, having jurisdiction of streets, to pave certain street intersections, not required to be paved by its franchise from the city, the contract was void and without consideration since the company derived its right to operate from the city council, the park board granting nothing.

Residential Zone.—In *State v. Houghton*,² the Minnesota supreme court decided that in Minneapolis, a residence district having been established, one asking to erect a factory therein has the burden of showing that the proposed industry will not impair or seriously interfere

with a proper enjoyment of the property in such district for residential purposes. The writ compelling the building inspector to issue the permit was denied and this was affirmed by the supreme court.

Elections.—In *McKinney v. Barker*³ the Kentucky court of appeals held that the legislature cannot provide that the minority candidate for an office shall be declared elected when the majority candidate has been guilty of corrupt practices, where the constitution provides that the incumbent of such office shall be elected and that elections shall be free and equal, since the word "election" requires a majority or plurality vote.

Gas Rates Under Franchise.—In *Bismarck Gas Company v. District Court of Burleigh*

¹122 N. E. 89.

²170 N. W. 852.

³203 S. W. 303.

⁴170 N. W. 878.

County,⁴ the North Dakota supreme court has held that since the franchise under which the company was operating fixed the highest rate that might be charged, the gas company has no right to charge for gas any sum in excess of the limited rates.

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Assessments.—The charter of the city of St. Louis, adopted by vote of the people under authority of the constitution is in effect a legislative act within the principle that when an assessment is made in accordance with a fixed rule adopted by a legislative act, opportunity to be heard in advance on the question of the amount and extent of the assessment and benefits is not essential to due process. The second line of attack on the assessment was based on the fact that the cost of the street improvement was assessed against the abutting property according to area rather than according to the front foot. The supreme court of the United States, feeling that the abutting owner had shown no arbitrary or unequal results, sustained the Missouri supreme court in its decision in favor of the construction company which paved the street in *Wihnell v. Ruecking Construction Company*.⁵

✱

An Extraordinary Opinion from the Washington Supreme Court.—A recent decision of the supreme court has accomplished a rev-

olution in the bond situation. It had always been supposed that the percentage limitations upon the amount of bond issues by the different municipalities were based upon the assessed value of the property within those municipalities. This decision of the supreme court seems to say that the percentage is to be figured upon the actual value. As the actual values are double the assessed valuation, all of the municipalities under which we live here in Seattle, and we happen to live under five, would find their bonding powers enlarged just one hundred per cent. For instance, the port commission, instead of being limited the eight million, a few hundred thousand, finds its limit to be over seventeen million. It seems to me that the great difficulty in the practical application of such an interpretation will be the difficulty in ascertaining what the actual values are upon which to figure the percentage. A limit of that sort, which may invalidate bonds, ought to be very precise and definite and absolute, known to everybody or capable of being easily ascertained by figuring. Such an increase in the bonding power will also tend, I should imagine, to depreciate the price of bonds in this section. It is reported that the bond firm of Caldwell, Massilich & Reed of New York, which advises most of our municipalities here, has given its opinion in favor of the new interpretation.

FRED W. CATLETT.

IV. MISCELLANEOUS

Boundary Guide Posts.—Baltimore is erecting 300 guide posts placed 800 feet apart around the city to indicate the boundary of greater Baltimore. As a part of the same movement a large map covering all the proposed boundaries for the new city is in the making and will be a complete model for the development of territory covering all parks, boulevards, railways and the like.

⁴39 Sup. Ct. Rep, 200.

Colonel Henry M. Waite, who was Dayton's first city manager before he entered the United States army, was given a cordial reception on his return to that city for a few days. He was entertained first at a dinner given by the various civic organizations of the city, then at another dinner given by 250 of the city employes.

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